

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.11.2019

CORAM

The Honourable Mr. Justice M.M.SUNDRESH
and
The Honourable Mr. Justice RMT. TEEKAA RAMAN

Writ Petition No.3461 of 2019
and
W.M.P.No.3763 of 2019

Venkatachalam

... Petitioner

.. Vs ..

1. Child Welfare Committee,
Rep. by Chairperson,
Salem District,
No.230, Prets Road,
Mulluvadi Gate, Salem - 636 007.

2. M.Vijay

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records and files before the first respondent pertaining to Proceeding No.14/CWC SLM/2019, dated 30.01.2019 and quash the same as illegal, arbitrary and non-est in law.

For Petitioner : Mr.B.Vijay

For R-1 : Mr.Akil Akbar Ali,
Government Advocate

For R-2 : Mr.S.Jayakumar

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ORDER

[The Order of the Court was made by M.M.SUNDRESH, J.]

What has been challenged in this writ petition is the proceedings of the first respondent/Child Welfare Committee in No.14/CWC SLM / 2019, dated 30.01.2019.

2. Learned counsel for the petitioner submitted that the aforesaid order is one without jurisdiction as it has been passed in ignorance of the order passed by the Court in UK and the pending proceedings on the file of the II Additional District Court, Salem in G.O.P.No.25 of 2019.

3. In the Habeas Corpus Petition filed by the second respondent herein in H.C.P.No.1757 of 2018, we have already passed an order dated 01.07.2019, directing the learned II Additional District Judge, Salem, to dispose of the G.O.P.No.25 of 2019 leaving all the issues open.

4. As stated by the learned counsel for the petitioner, the order impugned, certainly, did not take into consideration the relevant materials. Accordingly, in the light of the aforesaid discussion, this Writ Petition stands disposed of.

5. We make it clear that the learned II Additional District Judge, Salem, shall dispose the G.O.P.No.25 of 2019 without being influenced by the proceedings dated 30.01.219 which has been challenged in this writ petition. We further make it clear that this order will not stand in the way of the concerned Court viz., II Additional District Court, Salem, to decide the matter on merits. We also make it clear that this order has become ineffective and therefore, it need not be given effect to, in the light of the facts narrated above and in view of the further fact that the matter is pending before the jurisdictional Court. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jrl

To

1.The II Additional District Judge,
Salem.

2.The Chairperson,
Child Welfare Committee,
Salem District,
No.230, Prets Road,
Mulluvadi Gate,
Salem - 636 007.

+3cc to Mr.B.Vijay, Advocate, SR.93694

+1cc to Mr.S.Jayakumar, Advocate, SR.93952

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VGII(CO)
CB(17/12/2019)