

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :16.07.2019
CORAM
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU
W.P. No.8630 of 2019

Sankar

... Petitioner

-vs-

The District Social Welfare Officer,
Prohibition of Child Marriage Wing,
Sathhuvacherry,
Vellore District.

... Respondent

(amended by order dated 16.07.2019
in W.M.P. No. 20345 of 2019 in WP.8630/19)

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus to
direct the Respondent not to take any coercive action pursuant
to Petitioner representation dated 16.03.2019.

For Petitioner : Mr. R. Thirumoorthy
For Respondents: Mr. M. Karthikeyan,
Additional Government Pleader

O R D E R

It has been stated in the status report dated 16.07.2019
filed by the Respondent, as follows:-

"I submit the action taken by the Department of
Social Welfare as follows:-

The District Social Welfare Office, Vellore
received a postal letter from Mr. Vasanth S/o.
Manikandan, No. 59, Thiruvallurvar St, Pattabiram,
Chennai - 72, Dated:12.01.2019 which stated that Mr.
Sankar S/o Murugaiya had arranged child marriage to
his minor daughter Bharathi aged 17 years. Based on
the information received Mrs. Jayanthi w/o. Manokaran
working as Extension Officer - Social Welfare in
Nemili block Vellore District and Mrs. Vijaya w/o
Dhandapani, Rural Welfare Officer, Nemili block,
Vellore District went for the enquiry to the mentioned
address No. 51/201, Keezh Veethi, Vellore District on
24.01.2019. However the house was locked and Sankar
and his family were unavailable for enquiry. Then as
follow-up, the house was again visited by Mrs.
Jayanthi and Mrs. Vijaya on 02.02.2019 and found that
Bharathi D/o Sankar aged 17 years was given marriage

to Mr. Ranganathan S/o. Manokaran and she had delivered a male child who was 11 days old at the time of enquiry. Since the minor marriage was confirmed, a request letter (Roc. No. 156/E/2019, dated 14.03.2019) to file an FIR was sent to the Superintendent of Police, Vellore District under Child Marriage Prohibition Act 2006 against Sankar and her husband Ranganathan and the minor girl Bharathi was rescued along wither child and sent to Swathar home.

Therefore, the action taken by the Respondent is valid and is as a per Rules and Laws in existence. The Petitioner has married off his daughter who is a minor which is against the Child Marriage Prohibition Act, 2006, and therefore has to face the necessary consequences."

2. Since it is reported that the Petitioner has got his daughter married while she was a minor, the relief as sought in the Writ Petition cannot be granted. It is hastened to add here that no view has been expressed by this Court on the commission of any offence by the Petitioner and the same would have to be decided in appropriate legal proceedings in accordance with law.

3. Accordingly, this Writ Petition is dismissed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The District Social Welfare Officer,
Prohibition of Child Marriage Wing,
Sathhuvacherry,
Vellore District.

+lcc to Government Pleader sr.61245

+lcc to Mr. R. Thirumoorthy, Advocate sr.61422

W.P. No. 8630 of 2019

rsy(co)
nr 08/08/2019