



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5861 of 2019

P.Jayaseelan

... Petitioner

Vs

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The District Child Protection Officer,
Child Welfare Board,
Tanjore District, Tanjore-7.

3. The District Collector,
Trichy District, Trichy.

4. The District Child Protection Officer,
DCPO Unit,
No.1, Race Course Road,
Kajamalai, Trichy.

5. Rajalakshmi

6. Balamurugan

7. Raja Mary

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second and fourth respondents to take action on the petitioner's representation dated 06.03.2019 in respect of protection of minor female child Shamli, aged 2 ½ years.

For Petitioner : Mr.M.Govindan

For R1 to R4 : Mr.M.Karuppasamy
Government Advocate

ORDER

Heard the learned counsel appearing for the writ petitioner.

2. The petitioner claims that he is running a Public Charitable Trust based in Salem. The petitioner came to know that a young child by name Shamli is now in the custody of the seventh respondent. The petitioner makes a specific allegation that the child was born to the respondents 5 and 6. It appears that differences of opinion arose between the respondents 5 and 6 and as



a result, the child was handed over to the seventh respondent.

3. The learned counsel appearing for the petitioner states that the child in question was not given in formal adoption to the seventh respondent. The petitioner raised safety concerns. He has given a representation dated 06.03.2019 in this regard to the authorities. He wants this Court to direct the authorities to take action on the petitioner's representation.

4. I am not inclined to give any direction sought for by the writ petitioner. Even from the affidavit averments, it is seen that the child in question is in the custody of the seventh respondent for two years. If at this stage, any intervention is made, it may not be in the interest of the child. It is not the case of the petitioner that the seventh respondent is not taking proper care of the child. The only allegation made in the writ petition is that the child in question has come to the custody of the seventh respondent, without following the proper legal procedure. It is for the authorities to look into the matter, if any cause of action arises. It is not for this Court to give any direction as sought for. I find no ground to interfere. Hence, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur District, Thanjavur.
2. The District Child Protection Officer,
Child Welfare Board,
Tanjore District, Tanjore-7.
3. The District Collector,
Trichy District, Trichy.
4. The District Child Protection Officer,
DCPO Unit,
No.1, Race Course Road,
Kajamalai, Trichy.

+1 CC to M/s.SPL GP (SR-54008[F] dated 14/03/2019)

+1 CC to M/s.M.GOVINDAN, Advocate (SR-53846[F] dated 14/03/2019)

RMK

TE/KM : 03/04/2019 : 2P/7C

<https://hcservices.ecourts.gov.in/hcservices/>

W.P. (MD) No.5861 of 2019
13.03.2019