



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2019

CORAM

THE HONOURABLE MR. JUSTICE N. SESHASAYEE**W.P. (MD) No. 8064 of 2019**

WEB COPY

M. Surendar

... Petitioner

Vs.

1. The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
All Women Police Station,
Srivaikundam,
Thoothukudi District.

3. The Chairman,
Children Home,
Muthukuviyal Trust,
No. 176, Palayamkottai Road,
Thoothukudi District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the first and second respondents to release the petitioner's wife namely Kiruthika Sarumathi D/o Siva Subramanian aged about 19 years from the custody of the third respondent based on the petitioner's representation dated 06.03.2019.

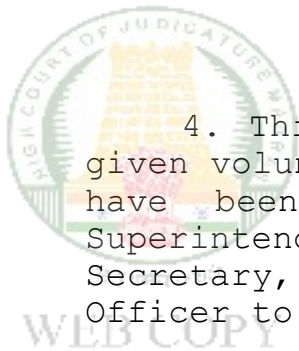
For Petitioner : Mr. R. Jegadeeswaran
For Respondents : Mrs. S. Bharathi
Government Advocate

ORDER

This Writ petition has been filed to direct the first and second respondents to release the petitioner's wife namely Kiruthika Sarumathi based on his representation dated 06.03.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. When the matter is taken up for hearing today, the learned Government Advocate circulated a statement given by the girl dated 25.04.2019, for whose custody the present petition is filed, in which the girl has given a statement that once the child is delivered, she would hand over the child to Adaikalapuram Punitha Susai Charitable Trust.



4. This Court suspects that the statement might not have been given voluntarily and there is every possibility that the girl might have been brain washed. This Court therefore directs the Superintendent of Police, Tuticorin District, Kanyakumari, the Secretary, District Legal Services Authority and the Social Welfare Officer to visit Home and interview the girl.

5. The above said three member Committee should visit the girl on 26.04.2019 and if the girl requires any counselling or the assistance of Psychologist to understand the consequences of what she wrote in the statement, such psychological assistance shall be given. The girl is now directed to be shifted from the St. Francis Xavier Womens Home, Adaikalapuram, Thiruchendur Taluk, Tuticorin District.

6. If the three member Committee senses or suspects the conduct of the Children Home, then appropriate action must be taken. The three member Committee is directed to ascertain the willingness of the girl independently and accordingly they may hand over the girl to such custody, where the girl wants to be.

7. With the above direction this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Thoothukudi District.

2. The Secretary,
District Legal Services Authority, Thoothukudi District.

3. The Social Welfare Officer, Thoothukudi District.

4. The Inspector of Police,
All Women Police Station,
Srivaikundam, Thoothukudi District.

5. The Chairman,
Children Home, Muthukuviyal Trust,
No.176, Palayamkottai Road, Thoothukudi District.

+2 CC to M/s.R.JEGADEESWARAN, Advocate (SR-62709[F] dated 25/04/2019)

Order made in

W.P. (MD) No.8064 of 2019

25.04.2019