



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD)No.19623 of 2019

WEB COPY

M.Vijayakumari

... Petitioner

vs.

1.The Chairperson,
Child Welfare Committee,
Trichy District,
New Auditorium Kalyana Mandabam,
Trichy.

2.The Chairperson,
Child Welfare Committee,
Madurai District,
Madurai.

3.The Inspector of Police,
All Women Police Station,
Lalgudi,
Trichy District.

4.The Inspector of Police,
Sellur Police Station,
Sellur,
Madurai.

5.The Caretaker,
TMSSS Sontham Home,
V.N. Nagar 3rd Cross,
39, Karur Vysya Bank Road,
Chathiram Bus Stand,
Trichy.

6.Hariharan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to transfer the proceedings of the petitioner's daughter Geetha Shopra, aged 17 years to the second respondent for further proceedings in accordance with Juvenile Justice (Care and Protection of Children) Act, 2015 and handover the custody to the petitioner.



For Petitioner : Mr.D.Malaichamy

For RR 1 to 4 : Mr.K.Mu.Muthu,
Additional Government Pleader.

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ORDER

Mr.D.Malaichamy, learned counsel on record for writ petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 to 4 (official respondents) are before this Court.

2.From the submissions made before this Court on the basis of the case file placed before this Court, it comes to light that there is imminence qua the prayer as the interest of a minor girl child is the centre theme of instant Writ Petition.

3.In the light of such imminence and in the light of the nature of submissions, it comes to light that this Writ Petition can be disposed of by passing an order, which is not adverse to the rights of respondents 5 and 6, who are private respondents. In this view of the matter, main Writ Petition is taken up, heard out and is being disposed of with consent of learned counsel for writ petitioner and State counsel.

4.Writ petitioner is the mother of a girl child by name Geetha Shopra and from the Secondary School Leave Certificate copy placed as part of the case file, it comes to light that Date of Birth of writ petitioner's daughter is 18.12.2001.

5.There is a reference to a First Information Report (hereinafter 'FIR' for brevity) dated 28.08.2019 registered in the jurisdictional Police Station namely Sellur Police Station wherein writ petitioner is the complainant / informant and the complaint is that her daughter Geetha Shopra went missing on 28.08.2019.

6.In this backdrop, this Court is informed that the child has since been traced and the prayer now is to transfer the proceedings of the writ petitioner's daughter for further proceedings in accordance with Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter 'said Act' for brevity) from the file of the first respondent to the file of the second respondent namely, the Chairperson, Child Welfare Committee, Madurai District. To be noted, this Court is informed that writ petitioner's daughter is now pursuing a Degree course namely Bachelor in Science, first year in Meenakshi College for



7. In the hearing, it is made clear that the request is to hand over writ petitioner's child / daughter to the second respondent.

8. Certain allegations have been made against the sixth respondent (private respondent). It is made clear that this Court does not express any opinion or view on the allegations one way or other and all questions are left open in this regard. It is also made clear that the allegations against the sixth respondent is not the basis for this order and the basis for this order is paramount welfare of the minor. This is also the basis for acceding to the request of transfer of the proceedings to the second respondent, who is the Chairperson of the Child Welfare Committee, Madurai.

9. Instant Writ Petition is ordered, directing transfer of the proceedings of the petitioner's daughter Geetha Shopra, from the file of the first respondent to the file of the second respondent, namely, the Chairperson, Child Welfare Committee, Madurai District, for proceedings in accordance with the said Act forthwith, which in effect means that custody of the child shall be handed over by the fifth respondent to the second respondent. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

ps
To

1. The Chairperson,
Child Welfare Committee,
Trichy District,
New Auditorium Kalyana Mandabam,
Trichy.

2. The Chairperson,
Child Welfare Committee,
Madurai District,
Madurai.

3. The Inspector of Police,
All Women Police Station,
Lalgudi,
Trichy District.



4.The Inspector of Police,
Sellur Police Station,
Sellur,
Madurai.

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+1 CC to M/s.D.MALAICHAMY, Advocate (SR-86329[F] dated 12/09/2019)

+1 CC to M/s.GP (SR-86548[F] dated 13/09/2019)

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