



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.143 of 2020

R.Rathalavath Ramesh

... Petitioner

Vs.

1.The District Collector,
Madurai,
Madurai District.

2.The Sub Inspector of Police,
Sedapatti Police Station,
Madurai District.

3.The Child Welfare Officer,
The Child Welfare Committee, Department of Social Defence,
Government of Tamil Nadu,
Madurai District, Madurai.

4.The Guardian,
Glaridian Mercy Home,
Alagusirai Village,
Tirumangalam Taluk,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking a Writ of Habeas Corpus directing the respondents to produce the petitioner's minor daughter, namely, Jitisha (detenu) aged about 1 ½ years either in person or body before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor
for R.1 to R.3



ORDER

(Order of the Court was made by **P.N.PRAKASH,J.**)

It is the case of the petitioner that he is the father of the minor child, namely, Jitisha and he hails from Telungana. Apart from Jitisha, he has two other daughters. The petitioner got acquainted with one Kasi Viswanathan and his wife, namely, Mahadevi, who came to Telungana in search of employment and who were childless. According to the petitioner, he and his wife voluntarily gave Jitisha, in adoption, to Kasi Viswanathan and his wife, but, of course, without complying with the legal requirements. Kasi Viswanathan and his wife brought the child to Madurai District and were bringing her up. On coming to know that Kasi Viswanathan and his wife are not the actual parents of Jitisha, the Child Welfare Committee intervened and a First Information Report was registered in Crime No.36 of 2014, against Kasi Viswanathan and three others. Jitisha was taken custody from Kasi Viswanathan and has been entrusted with the fourth respondent Home. Under such circumstances, the petitioner is before this Court for getting the custody of Jitisha.

In our opinion, the remedy available for the petitioner is before the Juvenile Justice Board and the Child Welfare Committee and therefore, he shall appear before them. The Juvenile Justice Board and the Child Welfare Committee shall conduct an enquiry and if they find that the child is being brought up well by Kasi Viswanathan and his wife, the adoption can be regularised by filing necessary applications before the competent authorities. If the Juvenile Justice Board and the Child Welfare Committee are of the view that the custody of the child should not be given to Kasi Viswanathan and his wife, then the child can be handed over to its natural parents.

With the above observations and directions, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gk



To

1.The District Collector,
Madurai,
Madurai District.

2.The Sub Inspector of Police,
Sedapatti Police Station,
Madurai District.

3.The Child Welfare Officer,
The Child Welfare Committee, Department of Social Defence,
Government of Tamil Nadu,
Madurai District, Madurai.

4.The Inspector of Police,
Perayur Police Station (Crime No.36 of 2020),
Madurai District.

5.The Juvenile Justice Board,
Madurai District.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-12666[F] dated
20/03/2020)

H.C.P. (MD) No.143 of 2020
20.03.2020

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