



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P.(MD) No.598 of 2020

M.Zainab Begum

... Petitioner

-vs-

1. The District Collector,
Madurai, Madurai District.
2. The Sub Inspector of Police,
Sedapatti Police Station,
Madurai District.
3. Child Welfare Officer,
The Child Welfare Committee,
Department of Social Defence,
Government of Tamil Nadu,
Madurai District.
4. The Guardian,
Glauridian Mercy Home,
Alagusirai Village,
Tirumangalam Taluk,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the petitioner's minor daughter namely, Farheena (detenue) aged about 10 months either in person or body before this Court and thereupon handover the custody to the petitioner.

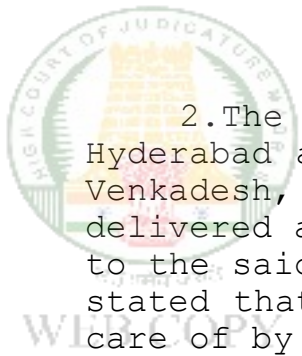
For Petitioner : Mr.Vaigunth for
Mr.P.Banu Prasath

For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This habeas corpus petition has been filed by the petitioner seeking a direction to the third respondent to produce her daughter, namely, Farheena aged about 10 months before this Court and hand over her custody to the petitioner.



2.The case of the petitioner is that she is a resident of Hyderabad and Telangana State. When she was working as Coolie, one Venkadesh, S/o Rajaram became their family friend. While so, she delivered a female child on 03.11.2019 and she handed over the child to the said Venkadesh temporarily for her betterment. It is further stated that she visited her child frequently and she is being taken care of by the said Venkadesh properly.

3.The petitioner would claim that based on a false complaint, the second respondent registered a case in Crime No.36 of 2020 for the offences punishable under Section 80 of the Juvenile (Care and Protection of Children) Act, 2015 on 07.02.2020 and in pursuance thereof, the custody of the minor child was taken away from the said Venkadesh. Hence, the present petition.

4.Mr.Vaigunth, learned counsel for the petitioner would submit that in similar facts, this Court in HCP(MD)No.143 of 2020, issued a direction to the Child Welfare Committee and the Juvenile Justice Board to conduct an enquiry and take appropriate action. He would further submit that the petitioner would be satisfied, if such direction is issued in this case also.

5.Mr.V.Neelakandan, learned Additional Public Prosecutor has no objection for disposal of this petition with a similar direction issued in the earlier habeas corpus petition in HCP(MD)No.143 of 2020.

6.In the light of the above facts and circumstances and the submissions of the learned counsel, the petitioner is directed to appear before the Juvenile Justice Board and Child Welfare Committee and thereafter, they shall conduct an enquiry and if they find the child is being brought up well by Venkadesh, the adoption can be regularised by filing necessary application 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 said Venkadesh, then the child can be handed over to natural parents.

7.Accordingly, the Habeas Corpus Petition is disposed of.

Sd/-

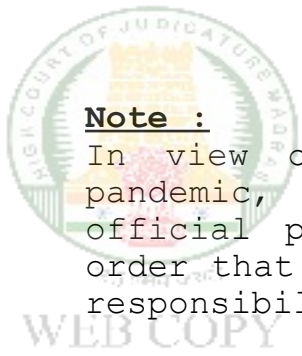
Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

skn



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

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Madurai
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.598 of 2020
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