



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.No.321 of 2021

Glory Annie
W/o.G.D.Prince Manoharan

...Petitioner

Vs

1. The Inspector of Police,
J-10 Police Station,
New No.35/91,
Rajiv Gandhi Salai,
Sholinganallur, Chennai - 600 119.

2. The Inspector of Police,
Juvenile Aid Police Unit,
Greater Chennai Police,
St.Thomas Mount, Chennai - 16.

3. S.D.Louis New Life Home for children,
represented by its Director
Mrs.Mary Pereira
Old No.66, New No.344/E,
Old Mahabalipuram Road,
Sholinganallur,
Chennai - 600 119.

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing respondents 1 and 2 to produce the minor girls, namely, Pakkita Beaula D/o.Nathan, aged about 14 years and Gracy D/o.Soosai Anthony, aged about 15 years, presently in the custody of third respondent before this Court and house them in a registered children home through Child Welfare Committee, Kancheepuram District.

For Petitioner : Mr.Shaikh Mehrunisa Kasim

For Respondents: Mr.R.Muniyapparaj
Government Advocate [Crl.side]
[R1 & R2]
Mr.G.Babu [R3]



O R D E R

[Order of the Court was made by P.N.PRAKASH, J]

This petition has been filed seeking a direction to respondents 1 and 2 to produce the minor girls, viz., Pakkita Beaula D/o.Nathan, aged about 14 years and Gracy D/o.Soosai Anthony, aged about 15 years, presently in the custody of third respondent before this Court and house them in a registered children home through Child Welfare Committee, Kancheepuram District.

2. The petitioner claims herself to be a member of the Child Welfare Committee, Chengalpet. It is her allegation that S D Louise New Life Home for children (third respondent) is not a registered children's home under the Juvenile Justice Act (JJ Act) and that the said home is being run by Mrs.Mary Pereira, in which, she is housing some children illegally. It is her further case that the third respondent home was inspected by Ms.J.Gajalakshmi, Inspector of Police, JAPU-II, St.Thomas Mount, Chennai, on 16.01.2020 and nine children (5 girls and 4 boys) were rescued and sent to registered Homes through Child Welfare Committee, Kancheepuram. While that being so, it is the grievance of the petitioner that the said Mary Pereira is illegally confining two girls, viz., Pakkita Beaula and Gracy Susan and therefore, they are also to be sent to registered Government Homes. On these allegations, the present Habeas Corpus Petition has been filed.

3. Mr.Babu, learned counsel, entered appearance for third respondent and filed a counter affidavit refuting the allegations therein.

4. Today, on instructions, Pakkita Beaula and Gracy Susan are produced by Ms.J.Gajalakshmi, Inspector of Police, JAPU-II, St.Thomas Mount, Chennai and Mr.Ayyappan, Sub-Inspector of Police, J10, Semmencherry Police Station. Mrs.Mary Pereira is also present.

5. We enquired with the two girls. Pakkita Beaula stated that her date of birth is 16.01.2005 and that she is studying 11th standard in Sacred Heart Matriculation Higher Secondary School, Sholinganallur. She further stated that after the death of her parents, she is being brought up by Mary Pereira and that she is not in the illegal custody of anyone as alleged. Similarly, Gracy Susan stated that her date of birth is 28.07.2004 and that she is studying in 12th standard in Sacred Heart Matriculation Higher Secondary School, Sholinganallur. She also stated that she was brought up by Mary Pereira from very young age and she is continuing to live with her.



6. Mrs.Mary Pereira stated that Gracy Susan is her sister's viz., Fathima Ferrara Maybel's daughter. She also stated that her sister was a Srilankan citizen and during ethnic crisis, she came to India as a refugee and handed over the infant to her and thereafter, she left stating that she would go to London with her husband and thereafter, their whereabouts are not known to anyone.

7. Pakkita Beaula and Gracy Susan seem to be emotionally attached to Mrs.Mary Pereira and vice versa, she having brought them up from their infancy.

8. In the conspectus of the facts of the case, we do not find any illegal detention of Pakkita Beaula and Gracy Susan, warranting issuance of a Writ of Habeas Corpus.

In the result, the petition is devoid of merits and accordingly, the same is dismissed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Inspector of Police,
J-10 Police Station,
New No.35/91, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 600 119.

2. The Inspector of Police,
Juvenile Aid Police Unit,
Greater Chennai Police,
St.Thomas Mount, Chennai - 16.

3. The Public Prosecutor,
High Court, Madras.

+2cc to Dr.G.Babu, Advocate, S.R.No.37642

H.C.P.No.321 of 2021

RSI(CO)
RGA(25/08/2021)