



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.1124 of 2021

S.Santhi
W/o.Late Sundaravadhanam

... Petitioner

Vs

1.The Commissioner of Police,
O/o.The Greater Chennai City
Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
T-6 Avadi Police Station,
Chennai.

3.Subramani
S/o.Veerabathran

... 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 detenue viz., Sachita D/o.Sundravadhanam, female, aged about 13 years, before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.S.Seenuvasan

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

Mr.K.Sivakumar [R3]
(Vakalat not filed)



10. We do not want to go into disputed facts that have been raised by either side. Suffice it to state that till the death of Sundaravadhanam on 14.05.2021, the two children were brought up by Santhi and admittedly, Subramani has taken away Sachita without the order of Court.

11. In such view of the matter, we hand over custody of Sachita to Santhi leaving it open to the parties to work out their remedies before the appropriate forum with regard to guardianship.

12. Santhi stated that she has vacated the house at No.110, Anand Driving School Road, Kurinji Nagar, Natural Park Opposite Road, Vennikkal, Thiruvannamalai District and she is now temporarily residing in the house of one Banu, her friend. Santhi stated that she has admitted Jayacharan in Maharishi Vidya Mandir, Paruthipattu, Melpakkam. Santhi further stated that she will admit Sachita also in the same school and take a residence in and around Avadi and will intimate the address to Subramani.

13. We direct the Child Welfare Committee, Thiruvallur, to visit the house of Santhi, off and on, in order to ensure that the two children are brought up well. Sundaravathanam is also permitted to visit the children after prior intimation to Santhi.

14. As regards the collection of rents from the house of Sundaravadhanam in Avadi, we permit Santhi to open a savings bank account in any nationalised bank in and around Avadi, jointly in the names of Sachita and Jayacharan with Santhi as next friend. Until the appropriate Court decides the Guardian Original Petition, Santhi will be entitled to manage the tenants, collect the rents of the Avadi house, use the money for the welfare of the two children and maintain the accounts for the same.

15. This is purely an interim arrangement and the trial Court shall proceed with the Guardian Original Petition without in any manner being influenced by whatever is stated herein.

With the above direction, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar



gm

To

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- 1.The Commissioner of Police,
O/o.The Greater Chennai City
Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.
- 2.The Inspector of Police,
T-6 Avadi Police Station,
Chennai.
- 3.The Child Welfare Committee,
Thiruvallur.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Sivakumar, Advocate, S.R.No.38290
+1cc to Mr.M.Arul, Advocate, S.R.No.37623

H.C.P.No.1124 of 2021

GPL (CO)
CB(23/08/2021)