



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM

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

H.C.P.NO.1204 OF 2021

S.Malathi

.. Petitioner

Vs.

1.The Superintendent of Police,
Salem.

2.The Inspector of Police,
C-2 Police Station,
Hasthampatti, Salem.

3.The Child Welfare Committee
Head Mr.Das,
Donbosco Anbu Illam,
Mulvadigate, Salem.

4.G.Subramani

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent (The Inspector of Police, C-2 Police Station, Hasthampatti, Salem District) herein to produce the detenu Yogamaaya, aged about 2 years, before this Court, illegally detained under the custody of the 4th respondent and hand over to the petitioner.

For Petitioner : Mr.M.T.Arunan

For RR 1 to 3 : Mr.R.Muniyapparaj
Govt.Advocate
(Crl.Side)



ORDER

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

WEB COPY This habeas corpus petition has been filed seeking to direct the 2nd respondent to produce the detenu Yogamaaya, aged about 2 years, before this Court, illegally detained under the custody of the 4th respondent and hand over to the petitioner.

2. It is the case of the petitioner that she got married to one Mohanraj on 19.05.2016 and through the wedlock, a girl child was born to her on 21.05.2019, who has been named as Yogamaaya; on account of marital discord, the petitioner got estranged from her husband and was living separately. It is the grievance of the petitioner that her child has been forcibly taken away by her parents based on the orders of the Child Welfare Committee, third respondent herein. Hence, the petitioner has filed the present habeas corpus petition with the above prayer.

3. Heard Mr.M.T.Arunan, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3.

4. In our considered opinion, against the orders of the Child Welfare Committee, an appeal lies under Section 101 of the Juvenile Justice (Care and Protection of Children), Act, 2015, before the Children's Court. Without exhausting the remedy, the present habeas corpus petition has been filed.

Hence, this habeas corpus petition is closed with liberty to the petitioner to work out her remedy before the appropriate Court in the manner known to law. If there is any delay in filing the appeal before the Children's Court, the petitioner may also file an application for condonation of delay under the proviso to Section 101, ibid.

s/d
Assistant Registrar

True Copy

Sub-Assistant Registrar

nsd



To

1.The Superintendent of Police,
Salem.

2.The Inspector of Police,
C-2 Police Station,
Hasthampatti, Salem.

3.The Child Welfare Committee
Head Mr.Das,
Donbosco Anbu Illam,
Mulvadigate, Salem.

4.The Public Prosecutor,
High Court, Madras.

+1cc to M/S.M.T.Arunan, Advocate, SR.No.40306

H.C.P.No.1204 of 2021

CA (CO)
PM(08/09/2021)