



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.3.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5822 of 2022

K.Vasuki

.. Petitioner

Vs.

The Registrar General
Madras High Court
Chennai 600 104.

.. Respondent

Prayer: Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus calling for the records relating to the order of the respondents to direct the respondents to issue the documents, namely Child Welfare Committee reports and JM-2 Magistrate report sought by the petitioner through Copy Application dated 19.12.2021 which is returned on 23.12.2021.

For Petitioner : Mr.K.Gajendiran

For Respondent : Mr.S.Giridharan

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

We have heard the learned counsel for the respective parties.

2. The writ petition has been filed seeking to call for the records relating to the order passed by the respondent to direct the respondent to give the report of the Child Welfare Committee



and the report of the Judicial Magistrate No.2, as sought for by the petitioner through copy application dated 19.12.2021, which was returned on 23.12.2021.

3. The learned counsel for the petitioner submits that an application was moved in the Registry to obtain a copy of the report of the Child Welfare Committee and the report of the Judicial Magistrate No.2. However, they were not furnished on the ground that report of the Child Welfare Committee is not available in the bundle despite a reference to it by this Court in the order dated 16.10.2020 in a petition in H.C.P.No.556 of 2020 filed by the petitioner herself. The Registry ought to have furnished a copy of the said report.

4. We have carefully considered the submissions made by the learned counsel for the petitioner.

5. On a mere reference to the report given by the Child Welfare Committee in the order dated 16.10.2020, it cannot be inferred that a copy was filed and it is lying in the bundle. Actually, the copy of the report of the Child Welfare Committee is not available in the bundle. Thus, it could not be furnished.

6. The learned counsel for the petitioner yet insisted to provide a copy of the report of the Child Welfare Committee.

7. When the learned counsel for the petitioner was asked as to why a copy of the report is not obtained from the Child Welfare Committee where it must be available, it is submitted that it needs to be supplied by the Registry once a reference has been made in the order dated 16.10.2020 in HCP.No.556 of 2020. We cannot appreciate the aforesaid submission when the report is not available in the bundle. The counsel was asked as to whether he has seen copy of the report of the Child Welfare Committee in the bundle. It is submitted that he has not seen it.

8. In view of the above, we do not find any error in the action of the Registry. Rather, the writ petition has been filed unnecessarily. When report is not in the bundle, how a copy of non available document can be furnished.

9. Therefore, for filing the petition unnecessarily, the writ petition is dismissed with cost of Rs.3,000/- (Rupees three thousand only) to be paid to the Tamil Nadu State Legal Services



Authority, Chennai within a period of 15 days and the compliance shall be reported to the Registrar (Judicial). If the compliance is not made within the time stipulated, the writ petition shall be posted before this Court for passing appropriate orders for compliance. There will be no order as to costs.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

RS

To:

The Registrar General
Madras High Court
Chennai 600 104.

Copy to:

1. The Registrar (Judicial),
High Court, Madras.
2. The Secretary,
Tamil Nadu Legal Services Authority,
Chennai.
3. The Judicial Magistrate No.II,
Villupuram.
4. The Section Officer,
Writ Section,
High Court, Madras.
5. The Section Officer,
Legal Cell,
High Court, Madras.

+1cc to Mr.K.Gajendiran, Advocate, S.R.No.17208

W.P.No.5822 of 2022

JP (CO)
SU (21/03/2022)