



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.608 of 2022

P.Dhusitharan

... Petitioner

-vs-

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Superintendent of Police,
District Police Office,
Virudhunagar District.
- 3.The Inspector of Police,
Vanniyampatti Police Station,
Virudhunagar District.
- 4.District Social Welfare Officer,
Virudhunagar District,
Virudhunagar.
- 5.Muneeswari
- 6.The Secretary,
Virutcham Mahalir Viduthi,
Back side of Old Bus Stand,
Virudhunagar.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the third respondent to produce the person or body of the detenu namely M.K.Sakthibalan, D/o.Mahendrakumar, aged about 21 years now under the custody of the 6th respondent before this Court and set her at liberty.

For Petitioner

: Mr.M.Maran

For R1 to R4

: Mr.T.Senthil Kumar
Additional Public Prosecutor



O R D E R

R. SUBRAMANIAN, J

AND

N. SATHISH KUMAR, J

The detenue has been secured. She is a major. Though the petitioner has not completed 21 years i.e., the marriageable age, the detenue would express her willingness to live with the parents of the boy/petitioner than her mother. The detenue being a major, we have to go by her will. The parents of the boy are also present and they have assured that they will take care of the girl and get her married to the petitioner once he attains the marriageable age of 21 years. Hence, this Habeas Corpus Petition is allowed. The detenue is set at liberty and she is permitted to go along with the parents of the petitioner.

2. It is seen from the records that the fourth respondent/the District Social Welfare Officer, has without any authority interfered in the affairs of the detenue knowing that she is a major. To our query, as to how she has interfered, she would submit that though the boy is a major, he has not attained the marriageable age of 21 years. This shows the ignorance of basic law. We strongly condemn the action of the District Social Welfare Officer. We direct the District Social Welfare Officer not to indulge in such action in future.

Sd/-

Assistant Registrar (As)

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/ /2022

Sub Assistant Registrar(CS)

am

To:

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Superintendent of Police,
District Police Office,
Virudhunagar District.
- 3.The Inspector of Police,
Vanniyampatti Police Station,
Virudhunagar District.



4.District Social Welfare Officer,
Virudhunagar District,
Virudhunagar.

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

+1 CC to M/s.M. MARAN, Advocate (SR-21140[F] dated 26/04/2022)

H.C.P. (MD) No.608 of 2022
26.04.2022

MGJ(11.05.2022) 3P 7C