



WEB COPY



W.P.No.33211 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.11.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.33211 of 2023

K.Karthik

... Petitioner

Vs

- 1 The Social Welfare and District Child Protection Officer,
Salem District Social Welfare Office,
Salem District Collectorate,
Salem District.
2. The District Collector,
Salem District Collectorate,
Salem District.
Thiruvarur.
3. The Tamil Nadu Commission for Protection of Child Rights,
No.183/1, EVR Periyar Salai,
Poonamalli High Road, Dasspuram,
Kilpauk, Chennai – 600 010.
4. Manjula Kumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the 1st respondent to hand over
Minor daughter Dharani aged about 18 months old baby to the petitioner.



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For Petitioner : Mr.M.Murugesan

For Respondents : Mr.P.Anandakumar
Government Advocate – R1 and R2

ORDER

Mr.P.Anandakumar, learned Government Advocate accepts notice for R1 and R2 and is armed with instructions to enable final disposal of this matter, even at the stage of admission. No notice is thought necessary to R3 and R4 at this juncture, since their interests have taken note of under this order.

2. The petitioner claims that the child by name Dharani, who is presently in the custody of R1 – the Social Welfare and District Child Protection Officer, was born to R4 and one Annadurai and he had adopted her with their consent. He now claims custody of the child.

3. The matter is too ridden with facts to enable any sort of decision to be taken in writ jurisdiction. Be that as it may, a representation has been made by the petitioner before R1 dated Nil, (as per postal receipt, dispatched on 07.11.2023).

4. Thus, it would be appropriate that R1 look into the matter, hear the petitioner as well as R4 by issuing notice to them and pass orders on the representation on merits and in accordance with law, on or before 12.12.2023.

A status report be filed accompanied by a copy of the order to be passed by R1,



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on or before 15.12.2023. Till such time, the custody of the child will continue with R1.

5. This Writ Petition stands disposed in the aforesaid terms. No costs.

27.11.2023

Index : Yes / No

Speaking

Neutral citations:Yes

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Note: Registry is directed to place the order to be passed by R1 in the chambers.

To

- 1 The Social Welfare and District Child Protection Officer,
Salem District Social Welfare Office,
Salem District Collectorate,
Salem District.
2. The District Collector,
Salem District Collectorate,
Salem District.
Thiruvarur.
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Dr.ANITA SUMANTH,J.

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