



HCP(MD)No.24 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.01.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

H.C.P.(MD)No.24 of 2023

P.Soundarya

.. Petitioner /Mother of the
Detenu

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Chairman,
Child Welfare Committee,
Pudukkottai.

3.The Managing Authority,
Claretian Mercy Home,
(Home for Infants & Aged)
Specialized Adoption Agency,
Azhagusirai, Ponmangalam Post,
Thirumangalam Taluk,
Madurai District-625 706.

4.V.Annadurai
5.A.Vimala

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents No.1 to 3 to produce the body and person of the detenu @ minor child of the petitioner named SEMMOZHI daughter of Periyasamy, aged about 2 years old and hand over her with the petitioner, since she is being a mother and the natural guardian.

For Petitioner :Mr.R.Sevugaraja

For R1 to R3 :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

DR. G.JAYACHANDRAN,J.
AND
SUNDER MOHAN,J.

As per the direction of this Court, the Chairman, Child Welfare Committee, Pudukkottai, has filed a report before this Court.

2.From the report, this Court finds that the biological parents of the child has voluntarily given the custody of the child to the fourth and fifth respondents and some documents have also been executed between them. However, it appears that the fourth and fifth respondents are not taking care of the child properly, though they have created certain problems as if they are the biological parents. In the said circumstances, the said child is under



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the care and custody of the Child Welfare Committee. Further, it is stated that if the petitioner viz., Soundarya wants to take back her child, she can approach the Child Welfare Committee with proper Marriage Certificate and other documents supported by the witnesses, can seek remedy.

3.From the records, it is clear that neither the biological parents nor the adoptive parents are not taking care of the child properly and this Court is concerned with the protection and the best interest of the child and not to determine who is the biological parents of the child. Therefore, it is open to the parents to approach the Child Welfare Committee and thereafter, to approach the appropriate forum for necessary relief. Till then, the child will be with the care and custody of the Child Welfare Committee.

4.In view of the above, this Habeas Corpus Petition is disposed of.

(G.J.,J.) (S.M.,J.)
23.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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Pudukkottai.
3. The Managing Authority,
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(Home for Infants & Aged)
Specialized Adoption Agency,
Azhagusirai, Ponmangalam Post,
Thirumangalam Taluk,
Madurai District-625 706.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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