



W.P.(MD) No.3528 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.(MD)No.3528 of 2021
& W.P.(MD)No.2857 of 2021

A.Eswari

...Petitioner

Vs.

- 1.The Child Welfare Committee,
Ramanathapuram District,
District Collector Campus,
Ramanathapuram.
- 2.The District Child Welfare Officer,
District Collector Campus,
Ramanathapuram,
Ramanathapuram District.
- 3.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 4.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 5.R.Rajesh Kannan
- 6.R.Saranya

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India, praying this Court to issue an order or direction more particularly in the nature of Writ of Mandamus to restrain the Respondents 1 and 2 from conducting enquiry pursuant to the notice of the 2nd Respondent in Na.Ka.No.11/Ma.Ku.Pa.A/2021 dated 03.02.2021 and consequentially restraining the Respondents 1 to 4 from interfering with the personal law right of guardianship of the petitioner and her husband over the child Keerthivasan.

For Petitioner :Mr.M.Kannan
For Respondents :Mr.A.K.Manikkam for R1 to R3
Special Government Pleader
:Mr.R.Sivakumar for R4

ORDER

This writ petition has been filed to forbear the first and second respondents from conducting enquiry, pursuant to the notice issued by the second respondent dated 03.02.2021 and not to interfere with the right of the petitioner to act as a guardian to the minor child, Keerthivasan.

2. The case of the petitioner is that she and her husband had adopted the son of the 6th and 7th respondents as per the Hindu Customary Practice and the adoption was also registered through Adoption Deed



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dated 11.02.2021. It seems that some complaint was given to the 1st and 2nd respondents and as a result, the second respondent issued a notice to the petitioner to attend for enquiry in order to ascertain as to whether the petitioner is entitled to keep the custody of the child. Aggrieved by the same, the present writ petition has been filed before this Court.

3. In the considered view of this Court, the petitioner and her husband adopted the child, Keerthivasan from the 5th and 6th respondents. According to the petitioner, it was done as per the Hindu Customary Rights and it was also registered through an Adoption Deed dated 11.02.2021. In view of the same, there is no necessity for the 1st and 2nd respondents to really conduct any enquiry in this case in the absence of any complaint given by the 5th and 6th respondents.

4. The adoption had taken place in the year 2021 and the child is already under the care and custody of the petitioner and her husband and at this length of time, it will not be in the interest of the child to conduct an enquiry and to disturb the present status. In view of the above, the second respondent need not act upon the notice dated 03.02.2021 and the petitioner and her husband can be left out peacefully to spend their life



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with the child.

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5. This writ petition is disposed with the above directions. No costs. Consequently, connected MP is closed.

12.10.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

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3. The District Collector,
Ramanathapuram District,
Ramanathapuram.
4. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N. ANAND VENKATESH, J.

SM

Order made in
W.P(MD)No.3528 of 2021

Dated
12.10.2023