



HCP(MD)No.438 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.09.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.438 of 2023

G.Muthumari

.. Petitioner / Mother of the Detenu

Vs.

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Ettaiyapuram Police Station,
Thoothukudi District.

3.The Inspector of Police,
Kazhukumalai Police Station,
Thoothukudi District.

4.The President,
District Child Welfare Committee,
Palayamkottai Road,
Opp to Rajaji Park,
Thoothukudi District.

5.The District Magistrate/District Collector,
Thoothukudi District.

.. Respondents

*(R-5 is suo motu impleaded as per the order of this Court dated 23.08.2023
in H.C.P.(MD).No.438 of 2023.*



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body or person of the detenu viz., petitioner's child, Muthupandi (4 months) now in the illegal custody of Respondent No.4, before this Court and hand over him to the custody of the petitioner.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner is the biological mother of baby Muthupandi, aged about four months. The child was in the custody of the District Child Welfare Committee/fourth respondent herein, since the biological mother had some issues in taking care of the child. The third respondent Police and the fourth respondent herein had produced the child before us on 12.07.2023.



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2. The petitioner had represented before us that she is not in a position to take care of her child and that she intends to give the child in adoption to Chellapandiyan and Pandiyammal, who were also present before us. By taking into account that such an adoption would be for the betterment welfare of the child and also that neither the prospective adoptive parents nor the specialised adoption agency or the biological mother of the child has received or agreed to receive any payment or reward or consideration for the adoption, we were of the view that the child could be given in legal adoption by following the procedure contemplated under Section 56 to 62 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Accordingly, the petitioner, as well as Chellapandiyan and Pandiyammal, were granted liberty to approach the concerned District Magistrate seeking for legal adoption of the child Muthupandi.

3. Accordingly, both the petitioner herein, as well as Chellapandiyan, had given applications on 07.08.2023 before the District Collector for adoption of the child Muthupandi. The applications have been received by the District Collector in Petition Nos.71 and 68, both dated 07.08.2023, respectively. Consequently, the District Collector/fifth respondent had also



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passed the adoption order on 08.09.2023, pursuant to the interim directions given by us on 23.08.2023 and 07.09.2023. The adoption orders have also been served on the petitioner, as well as Chellapandiyan. On the basis of the adoption order, the birth of the adopted child has been registered and a birth certificate has also been issued in Reg.No.B-2022-33-16225-002960 dated 12.09.2023 by the Registrar (Birth and Death), District Head Quarters Hospital, Kovilpatti. The custody of the adopted child has also been handed over to the adoptive parents, Chellapandiyan and Pandiyammal, which fact has been ratified by the learned Additional Public Prosecutor.

4. In view of these developments, the present prayer of the petitioner seeking for custody of her child does not require consideration, since she has willingly given her child in adoption to Chellapandiyan and Pandiyammal. Hence, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
21.09.2023

NCC : Yes / No
Index : Yes / No
Lm



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6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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and
M.NIRMAL KUMAR,J.

Lm

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