



WEB COPY



W.P.No.987 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.987 of 2020

P.Udayasankaran

... Petitioner

Vs.

1.The Chairperson,
Tamil Nadu Commission for Protection
of Child Rights,
Kilpauk,
Chennai – 600 010.

2.U.Deepika

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandams, directing the 1st respondent to consider the petitioner's representation dated 04.10.2019 and initiate appropriate action on the 2nd respondent.

For Petitioner

: Mr.P.G.Thiyagu

For R1

: Mr.G.Krishna Raja

Additional Government Pleader

For R2

: Mr.P.Prince Premkumar



W.P.No.987 of 2020

ORDER

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The Writ of Mandamus has been instituted to direct the 1st respondent to consider the petitioner's representation dated 04.10.2019 and initiate appropriate action against the 2nd respondent.

2. The case of the petitioner is that he married the 2nd respondent on 18.02.2005. Out of the wedlock between the petitioner and the 2nd respondent, they have one daughter and one son. Now, the girl is aged about 17 years and the boy is aged about 13 years. The petitioner has raised certain allegations against the 2nd respondent and submitted a complaint before the 1st respondent-Tamil Nadu Commission for protection of Child Rights against the alleged exploitation of children by the 2nd respondent. Since no action was taken, the petitioner filed the present writ petition.

3. Even before filing of the present writ petition, the petitioner has filed G.W.O.P. No.134 of 2019 under Section 25 of the Guardian and Wards Act, 1890 on the file of the learned Principal District Judge, Thiruvallur to order custody of the minor children viz., Megha and Seshanth Raj. The Principal District Court elaborately adjudicated the issues between the



W.P.No.987 of 2020

petitioner and the 2nd respondent. The very same allegations raised in the present writ petitions were raised by the petitioner before the Principal District Court also. After considering the rival submissions between the parties, the Principal District Court, Tiruvallur dismissed the G.W.O.P. No.134 of 2019 dated 30.11.2022. When the custody of the children was handed over to the 2nd respondent-mother, this Court is of the opinion that the 1st respondent cannot go contrary to the findings of the District Court, since the issues raised between the petitioner and the 2nd respondent are no more *res integra* with reference to custody of the children. Moreover, the daughter is at the verge of attaining majority and son is also grown up and capable of understanding the facts and circumstances and will be in a position to decide what is good for his life.

4. This being the factum, the relief as such sought for to consider the representation dated 04.10.2019 cannot be considered and consequently, the Writ Petition stands dismissed. No costs.

08.01.2024

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No



W.P.No.987 of 2020

WEB COPY

To
The Chairperson,
Tamil Nadu Commission for Protection
of Child Rights,
Kilpauk,
Chennai – 600 010.



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W.P.No.987 of 2020

S.M.SUBRAMANIAM, J.

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W.P.No.987 of 2011

08.01.2024