



W.P(MD)No.7786 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7786 of 2024

and

W.M.P.(MD)No.7105 of 2024

S.Malarkodi

... Petitioner

Vs.

- 1.The Collector,
Office of the District Collector,
Madurai, Madurai District.
- 2.The Social Welfare Officer,
District Social Welfare Office,
Madurai District Collector Office Campus,
Madurai.
- 3.State Through the Inspector of Police,
All Women Police Station,
Thallakulam, Madurai City.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to hand-over the custody of victim namely Minor.Vairalatha, daughter of Manikandan to the petitioner by considering the petitioner's representation dated 23.03.2024 within the time stipulated by this Court.



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For Petitioner : Mr.A.Raja

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R3.

ORDER

Heard both sides.

2.The petitioner wants the custody of her grandchild. The grandchild is in the Home run by Children Welfare and Special Service Department. It appears that the petitioner lodged a complaint against her daughter-in-law alleging that her grandchild is being abused. The Writ Court cannot decide the custody issue. The petitioner is given liberty to move the jurisdictional Family Court. If any FCOP is filed, it shall be numbered immediately and taken on file. The petitioner can even apply for interim custody. The Family Court will take a call taking into account the paramount interest and welfare of the child. Since criminal case has been registered, the Family Court will pass any order only after hearing the second respondent herein. Till the Family Court decides the issue, the petitioner is permitted to visit her grandchild. It is however made



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it clear that the petitioner has to visit the grandchild without being accompanied by any body else, particularly the mother of the child (A1).

3.With this liberty to the petitioner and direction to the Family Court, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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