



H.C.P.(MD) No.499 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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Pandiyammal

... Petitioner

-VS-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.

2.The Inspector of Police,
Chinnamanur Police Station,
Theni District.

3.The AHMT Nesagarankal Child Care Home,
Dharmathuppatti,
Podinaikanur,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body or person of the petitioner's daughter namely Nagalakshmi, D/o.Suruli, aged about 17 years before this Court and hand over the custody to the petitioner.



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For Petitioner

:Mr.S.Ramsundarvijayraj

For R1 & R2

:Mr.RMS.Sethuraman

Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Habeas Corpus Petition has been filed by the mother of the detenu seeking to produce the alleged detenu namely Nagalakshmi, D/o.Suruli, aged about 17 years, before this Court and hand over the custody of the detenue to the petitioner.

2. The case of the petitioner is that based on the anonymous complaint lodged to the Child Welfare Committee by stating that the petitioner and her husband arranging the marriage for their daughter/detenu, the Child Welfare Committee has taken the child to their home. Further, the petitioner and her husband went to the AHMT Nesagarankal child care home and enquired about their child, the child care home staff told to the petitioner that the child was not in that place. Since she is not unable to find the whereabouts of the child, the present habeas corpus petition has been filed.



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3. When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents submitted that based on anonymous complaint lodged to the Child Welfare Committee an enquiry has been conducted by the Child Welfare Committee and the Committee found that the petitioner and her husband had arranged for the child marriage for their child and hence, the Child Welfare Committee had taken custody of the child. As per the orders of the Child Welfare Committee, the child has now been placed at the third respondent home. If the petitioner is having any grievance, she has to approach the Child Welfare Committee for getting appropriate remedy.

4. In view of the above, this habeas corpus petition is closed with liberty to the petitioner to approach the Child Welfare Committee and the Child Welfare Committee shall pass orders regarding custody of the child after conducting enquiry in accordance with law.

[A.D.J.C., J.] [K.R.S., J.]
23.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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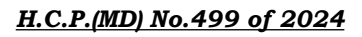


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Dharmathuppatti,
Podinaikanur,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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