



WEB COPY



HCP.No.192 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.192 of 2025

B.Shahidha

...

Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ranipet District.
2. The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Arcot, Ranipet District.
3. The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
4. The President,
Child Welfare Committee,
Ranipet District.

I/C The President,
Child Welfare Committee,
Vellore District.

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a



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Writ of Habeas Corpus, directing the respondents to produce the petitioner's male child B.Sadham ussain aged about 3 months before this Court and hand over his custody with the petitioner.

For Petitioner : Mr.D.Sathyanarayanan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The Writ of Habeas Corpus Petition has been instituted to direct the respondents to produce the petitioner's male child, namely, B.Sadham ussain, aged about three months.

2.The petitioner claims that she is the biological mother of the detenu baby, presently three months old.

3.The learned Additional Public Prosecutor would submit that the child was given adoption by the biological parents to some other persons by executing an unregistered adoption deed and at the time of giving treatment to the child, the Doctors asked about the details of the child. At that point of time, the adopted parents left the child in the hospital and absconded. Thus, the child was handed over to the custody of the Child Welfare Committee. Presently, the child is with



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the custody at Balamandir, T.Nagar, Chennai.

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4.In view of the complex facts and circumstances, this Court is unable to determine the rights of the petitioner. We have examined the petitioner. She states that the child was given adoption since she is not in a position to maintain the detenu child. She has already two children and they are living with the petitioner.

5.In view of the facts and circumstances, the Child Welfare Committee is directed to follow the procedures as contemplated under the Statute and protect the child and take appropriate decision in the manner known to law. It is made clear that the Child Welfare Committee may provide all necessary treatment to the three months old child till an appropriate decision is taken by the competent authorities.

6.Accordingly, Habeas Corpus Petition stands disposed of.

sli
Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

[S.M.S., J.] [M.J.R., J.]
31.01.2025

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.



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