

W.P.No.7824 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7824 of 2025
and W.M.P.No.8798 of 2025

S.Baby Christy

.. Petitioner

Versus

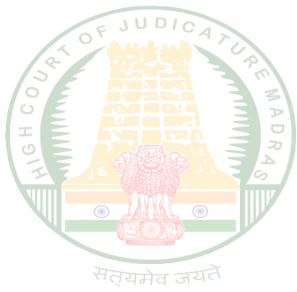
1. The Child Welfare Committee,
District Collector Office,
Chennai.

2. Child Welfare Officer,
District Collector Office,
Chennai.

3. Sagaina Sujin

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the 1st and 2nd respondents to hold enquiry with 3rd respondent to find out real facts that whether 3rd respondent is looking after petitioner's grand son Master Abner Simson, son of late Vijin, aged about 4 years old as motherly care if not direct 3rd respondent to hand over child to petitioner as per sub Rule 4(a) (iv) Rule 33 of the Juvenile Justice (Care and Protection of Children) Rules 2007.



W.P.No.7824 of 2025

WEB COPY

For Petitioner : M/s.I.Arockia Selvaraj

For Respondents : Mr.V.Manoharan,
Additional Government Pleader,
for RR-1 and 2

ORDER

This Writ Petition is filed for a direction to the respondent Nos.1 and 2 to hold an enquiry with the third respondent to find out real facts that whether the third respondent is looking after the petitioner's grandson, Master *Abner Simson*, son of late *Vijin*, aged about 4 years, with motherly care and if not, direct the third respondent to hand over the child to the petitioner as per Rule 33 sub Rule 4(a)(iv) of the Juvenile Justice (Care And Protection Of Children) Rules, 2007.

2. The unfortunate factual background, in this case, is that the petitioner's daughter, *Jaya Reshitha*, got married to one *S.V.Vigin*. The couple died in a road accident on 13.11.2024. They have minor child,

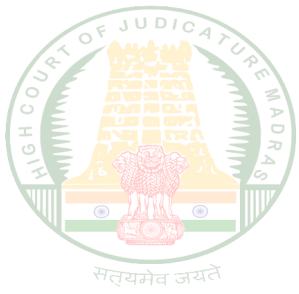


W.P.No.7824 of 2025

WEB COPY

master *Abner Simson*, who is aged about 4 years. It is the case of the petitioner that even during the life time of their daughter and son-in-law, their grandchild was living only with them and they were taking good care of the grandchild. After the demise, the brother of the petitioner's son-in-law namely, one *S.V.Sujin* and his wife namely, *Sagaina Sujin* are not parting with the custody of the child and are keeping the custody of the child to themselves. The child is not taken adequate care of. The petitioner is not even permitted to visit the child. The child is kept in an isolated room which would result in grave danger to the mental and physical well-being of the child. Therefore, the petitioner made a representation to the respondent Nos.1 and 2 and they are empowered to take action under the rule quoted *supra*. Therefore, the present Writ Petition is filed.

3. Heard *Mr.I.Arockia Selvaraj*, learned Counsel for the petitioner and *Mr.V.Manoharan*, learned Additional Government Pleader who takes notice for the respondent Nos.1 and 2.



W.P.No.7824 of 2025

WEB COPY

4. The learned Counsel for the petitioner himself brought to the notice of this Court that earlier, the petitioner's husband filed H.C.P.No.3212 of 2024 before this Court and by an order, dated 03.01.2025, the Hon'ble Division Bench of this Court had already directed the respondent No.2 and 3 therein not to obstruct the presence of the petitioner herein as well as her husband to spend time with the child as per their choice and directed the parties to approach the appropriate Court for appointment of guardian under the relevant provisions.

5. In view thereof, when already the question relating to the visiting of the petitioner and her husband was decided in the Habeas Corpus Petition and with reference to the guardianship, when the parties are directed to approach the appropriate Civil Court, once again, directing the respondent Nos.1 and 2 to conduct an enquiry, would not only run counter to the said directions, but, it would also be not in the best interest of the welfare of the



W.P.No.7824 of 2025

WEB COPY

minor child. The child cannot be foot-balled or subjected to trauma.

Ultimately, the guardianship can be decided by the competent forum by taking into consideration of the best interests of the minor child.

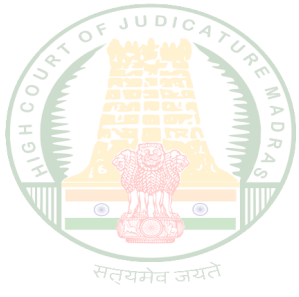
6. In view thereof, with the said liberty open to the petitioner, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.03.2025

Neutral Citation : no
grs

To

1. The Child Welfare Committee,
District Collector Office,
Chennai.
2. The Child Welfare Officer,
District Collector Office,
Chennai.



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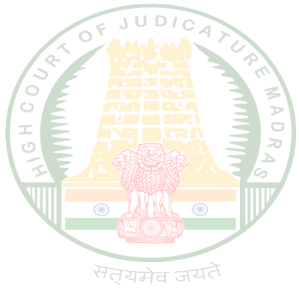


W.P.No.7824 of 2025

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W.P.No.7824 of 2025

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