



Writ Petition No.17428 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17428 of 2025

Chitra
W/o.Senthil

Petitioner

Vs

1.The District Collector,
Krishnagiri District,
Collectorate, Krishnagiri.

2.The District Social Welfare Officer,
District Social Welfare Office,
Krishnagiri - 635 115.

3.The District Child Protection Officer,
The District Child Protection Unit,
Opp. to Library, Near Bus Stand,
Krishnagiri - 635 001.

4.The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus declaring that the custody of child namely Sentamilarasi by the third respondent is illegal and consequently, directing the third respondent to handover the custody of the child namely Sentamilarasi to the petitioner as early as possible.



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For Petitioner : Mr.J.Pradeep
For Respondent : Mr.E.Vijay Anand
Additional Government Pleader
[R1 to R3]
Mr.Leonard Arul Joseph Selvam
Government Advocate [Crl.side] [R4]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the third respondent to handover the child to the petitioner, who is the mother of the child, forthwith.

2. The case of the petitioner is that she has two children and both of them were school going children. An enquiry was conducted on 24.04.2025 by the Rural Welfare Officer of the Social Welfare Department based on the complaint that the girl, who was a minor, was attempted to be married to someone else. Since child marriage is prohibited, the Welfare Officer intervened. In the interest of the child, the petitioner's daughter was taken to the Home and was taken care of. Thereafter, the petitioner's daughter continued to be in the Home and the petitioner, who is the mother wanted to get the custody of her daughter. It is under these circumstances, the present writ petition has been filed before this Court.



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3. The third respondent has filed a counter affidavit. It is stated

that a credible information was received through child helpline on 24.04.2025 at about 11.07 a.m. to the effect that an attempt is being made to get the child married. Immediately, an enquiry was conducted by a team of persons and it was found that the girl was hardly aged about 13 years and an attempt was made to conduct child marriage with a person, who was aged about 30 years. Under such circumstances, the child was placed at the one spot center in Government Medical College Hospital, Krishnagiri on 24.04.2025 and she was thereafter, produced before the Child Welfare Committee, Krishnagiri. On enquiry, it was ascertained that the parents have arranged for marriage of the child with a man, who was aged about 30 years. Hence, the child was rescued and the child was taken care at St. Maria Theresa's Home for Children, Katpadi, Vellore District. A protection order was also passed under Section 37(1)(c) of the Juvenile Justice Act, 2015. Based on the complaint given, an enquiry was also conducted in CSR No.141 of 2025 by the All Women Police Station, Denkanikottai Police. It is further mentioned in the counter that the petitioner, who is the mother, approached the Child Welfare Committee and sought for permission to meet her daughter, who was staying in the child care institution. The petitioner was allowed to meet her daughter.



Now the child wants to go along with her parents and continue her studies. Accordingly, the third respondent has sought for appropriate directions to be issued by this Court in the interest of the child.

4. Heard Mr.J.Pradeep, learned counsel for petitioner, Mr.E.Vijay Anand, learned Additional Government Pleader appearing for respondents 1 to 3 and Mr.Leonard Arul Joseph Selvam, learned Government Advocate [Crl.side] appearing for fourth respondent.

5. In the considered view of this Court, an attempt was made to get the child, who was hardly 13 years to marry a man who was aged about 30 years. Under such circumstances, the protection order came to be passed and the child was secured and she was taken care by a child care institution. Subsequently, the petitioner, who is the mother met the child and the child now wants to go with her parents and continue her studies. Considering the welfare of the child, it will be more appropriate to permit the child to be with her parents rather than staying in the Home, at a crucial age. However, it must also be ensured that no such attempts are made by the parents to get the child married.



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6. In view of the above, there shall be a direction to the third respondent to permit the child to go along with her parents and stay with them. The third respondent shall ensure that the child is permitted to continue with the studies and no attempt is made to get the child married. For this purpose, the third respondent shall conduct regular visits and talk with the child as well as the parents and advice them not to venture into such an attempt in future. Ultimately, the third respondent shall ensure that the interest of the child is safeguarded. If any attempt is once again made in future to get the child married, it is left open to the third respondent to proceed further in accordance with law.

This writ petition is disposed of with the above direction. No costs.

20.06.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
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N.ANAND VENKATESH, J

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To

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