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HCP.No.1046 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN**

**H.C.P.No.1046 of 2025**

R.Isha

Petitioner(s)

Vs

1.The Superintendent of Police,  
Vellore District, Vellore.

2.The Inspector of Police,  
Virudampet Police Station,  
Katpadi, Vellore District.

3.The Women Help Centra Social Welfare Officer,  
B Block, 4th Floor,  
Collectorate, Vellore District-09

Respondent(s)

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the third respondent to produce the detinue Jayapriya, D/o.Raja, 19 years before this Court and set her at liberty.



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For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.E.Raj Thilak  
Additional Public Prosecutor

### **ORDER**

*(Order of the Court was delivered by M.S.RAMESH.J.)*

This Writ Petition has been filed to direct the third respondent to produce the detainee Jayapriya, D/o.Raja, 19 years before this Court and set her at liberty.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

3. It is the case of the petitioner herein that the custody of the detainee namely Jayapriya, aged 19 years, was handed over to the petitioner by her biological mother, as she was not in a position to take care of the detainee. The petitioner states that when the detainee applied for a transfer certificate



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from her Higher Secondary School in order to pursue further education, the school authorities insisted on the physical presence of her biological mother.

In this background, based on a complaint given by the school authorities where the detainee was studying, the custody of the detainee was transferred to the third respondent herein, and she was admitted to a Children's Home. Claiming custody of the detainee, the petitioner has filed the present Habeas Corpus Petition.

4. Today, when the Habeas Corpus Petition came up for admission, the second respondent police produced the petitioner, as well as the detainee before us. When we interacted with them, the detainee expressed that she is being well taken care of by the petitioner and her family and that she intends to remain under their care and protection and pursue her education. She also expressed that she does not wish to be under the custody of her biological mother. The petitioner, in turn, assured that she would continue to provide proper care and protection to the detainee while she remains in their custody.

5. We have taken note of the fact that the detainee was born on



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24.12.2006 and is now aged about 19 years. Since the detinue, being a major, has consciously decided to remain under the care and protection of the petitioner, we are convinced that her custody with the petitioner would be appropriate. Accordingly, it is open to the detinue to reconcile and live under the care and protection of the petitioner.

6. As recorded earlier, it is the statement of the petitioner that when the detinue sought for a transfer certificate, the school authorities insisted on the physical presence of the detinue's biological mother.

7. In the light of the above observations, there shall be a direction to the Headmistress of TMKV Government Girls Higher Secondary School, Kangeyanallur, Vellore to forthwith issue the Transfer Certificate of the detinue namely, Jayapriya, without insisting on the physical presence of her biological mother. However, the School authorities are at liberty to obtain an acknowledgment from the petitioner, namely Isha, at the time of issuing the transfer certificate.

8. Accordingly, this Habeas Corpus Petition stands closed.



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[M.S.R., J]

[V.L.N., J]

09.06.2025

Index: Yes/No  
Speaking/Non-speaking order  
Internet: Yes/No  
Neutral Citation: Yes/No  
**Anu**

To

1.The Superintendent of Police,  
Vellore District, Vellore.

2.The Inspector of Police,  
Virudampet Police Station,  
Katpadi, Vellore District.

3.The Women Help Centra Social Welfare Officer,  
B Block, 4th Floor,  
Collectorate, Vellore District-09

4. The Headmistress,  
TMKV Government Girls Higher Secondary School,  
Kangeyanallur, Vellore

5.The Public Prosecutor,  
High Court, Madras.

**M.S.RAMESH, J.**



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**and**  
**V. LAKSHMINARAYANAN, J.**  
***Anu***

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