



H.C.P. No.2041 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.12.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P. No.2041 of 2025

E.Durga Devi

.. Petitioner

Vs.

1. The District Collector
A Block, 2nd Floor
Collectorate Office
Vellore – 632 009

2. The Chairperson
Child Welfare Committee
Vellore District

3. The Inspector of Police
Bagayam Police Station
Vellore District – 632 002

.. Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to direct the second respondent to produce the petitioner's daughter, unnamed infant, D/o.Vishnu, aged 4 months, before this Court and to handover the custody of the child to the petitioner Durga Devi, D/o.Elumalai.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor
assisted by Mr.M.Karthikeyan



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ORDER

(The Order of the Court was made by P.Velmurugan, J)

This Habeas Corpus Petition has been filed to direct the second respondent/the Chairperson, Child Welfare Committee, Vellore District to produce the petitioner's daughter, unnamed infant, D/o.Vishnu, aged 4 months, before this Court and to handover the custody of the child to the petitioner herein.

2. The petitioner is the biological mother of the detainee child who is 4 months old. When the matter came up before this Court on 27.10.2025, considering the facts and circumstances of the case, this Court had passed an order to handover the custody of the child to the petitioner for the purpose of nursing the child, subject to condition that the petitioner has to give an undertaking before the Child Welfare Committee that she will nurse the child herself and she will not give the child to adoption.

3. Today (19.12.2025), when the matter was taken up for hearing, the petitioner appeared before this Court along with the child and she stated that she will take care of the child. The same is recorded.

4. Though, the petitioner was a minor at the time of giving birth to the child, subsequently, she attained majority. Now the child has been handed over to the petitioner who is the mother of the child.



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5. Accordingly, this Habeas Corpus Petition is disposed of with a direction to the petitioner that the petitioner shall appear before the Child Welfare Committee/2nd respondent, once in two months and the Child Welfare Committee is directed to ensure that the petitioner is nursing the child properly and complying with the undertaking given before them and if any deviation by the petitioner, the same shall be reported to this Court.

(P.V., J) (M.J.R., J)
19.12.2025

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Neutral Citation: Yes/No

To

1. The District Collector
A Block, 2nd Floor
Collectorate Office
Vellore – 632 009
2. The Chairperson
Child Welfare Committee
Vellore District
3. The Inspector of Police
Bagayam Police Station
Vellore District – 632 002
4. The Public Prosecutor,
High Court, Madras.

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and

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