



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.18135 of 2022

B.Nithya

... Petitioner

Vs

1.The District Child Protection Officer,
District Child Protection Unit,
Collectorate New Building third floor,
Madurai District.

2.M.Sanjay Gandhi

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent to enable the Petitioner to take his son N.S.Abinav(male child, aged 10 years) to abroad by endorsing his company with the Petitioner by issuing a certificate in this regard in the light of the decree of divorce granted by the Sub-Court, Thirumangalam, Madurai District in H.M.O.P.No.13 of 2020.

For Petitioner : Mr.R.Anand

For RR - 1 : Mr.D.Gandhiraj
Special Govt.Pleader

For RR – 2 :Mr.G.Thiruvartselvan



ORDER

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This Writ Petition has been filed for a direction, directing the first respondent to enable the Petitioner to take his son N.S.Abinav(male child, aged 10 years) to abroad by endorsing his company with the Petitioner by issuing a certificate in this regard in the light of the decree of divorce granted by the Sub-Court, Thirumangalam, Madurai District in H.M.O.P.No.13 of 2020.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.A perusal of the records would reveal that it is a family dispute between the Petitioner and second respondent. Therefore the prayer sought for in this Writ Petition namely, custody of her son can be agitated only before the competent Court and this Court cannot grant such prayer in this Writ Petition sitting under Article 226 of the Constitution of India.

4.In view of the above, this Writ Petition stands dismissed.
There shall be no order as to costs.

20.01.2025



NCC : Yes / No
Index : Yes / No
Internet : Yes
vsn

To

The District Child Protection Officer,
District Child Protection Unit,
Collectorate New Building third floor,
Madurai District.



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G.K.ILANTHIRAIYAN, J.

vsn

Order made in
W.P(MD)No.18135 of 2022

20.01.2025