



WEB COPY



HCP.No.1949 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1949 of 2025

Poongodi

... Petitioner

Versus

1. The District Collector,
District Collectorate,
Salem.
2. District Child Welfare Officer,
District Collectorate, Salem.
3. Children Care Taker,
Life Line Trust,
Children Home and Adoption Centre and
Bintha Female Children Illam II,
3rd Cross Chandran Garden,
Chinna Tirupathi, Salem – 636 006.

4. Palanivel

.. Respondents



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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, to direct the 3rd respondent to hand over the detenue minor children of the petitioner Siva Kumar, S/o.Palanivel, aged 11 years and Anushree, D/o.Palanivel, aged 10 years before this Court and entrust the custody of the petitioner's minor children to the petitioner/mother herein.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Mr.M.Karthikeyan
for R1 and R2

ORDER

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

Despite the directions issued by this Court on several occasions, the petitioner/mother has not appeared before this Court, which shows lack of diligence on the part of the petitioner.

2. A perusal of the records it is seen that when the matter was taken up for hearing on 08.10.2025, the minor children, who are under the custody of the third respondent/ Children Care Taker, appeared before this Court and stated that there are not willing to go with their mother/petitioner.



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3. In the absence of any material to establish illegal detention of the minor children, and having regard to their expressed wishes, this Court is of the considered view that since fourth respondent is also one of the natural guardians of the children, no ground is made out for issuance of Writ of Habeas Corpus Petition and the same is liable to be dismissed. Accordingly, Writ of Habeas Corpus Petition stands dismissed. However, the petitioner is at liberty to work out her remedy in the manner known to law.

[P.V.,J.] [M.J.R.,J.]
08.01.2026

Index: Yes/No
Neutral Citation: Yes/No
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To

1. The District Collector,
District Collectorate,
Salem.
2. The District Child Welfare Officer,
District Collectorate, Salem.
3. The Public Prosecutor
High Court, Madras.



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