

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5566/2008

SADHU SUNDER SINGH WELFARE SOCIETY Petitioner
Through Mr. Amitabh Chaturvedi, Adv.

versus

GOVT OF NCT OF DELHI & ORS Respondent
Through Mr. Najmi Waziri, Adv. with Mr.
Ankur Chibber, Advocate.
Mr. Deepak A. Masih, Advocate for
intervener/applicant.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER
07.09.2009

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1. The petitioner, Sadhu Sunder Singh Welfare Society (Regd.) has filed the present writ petition to challenge orders dated 21st July, 2008 and 31st July, 2008. By the first order, certificate of recognition to operate and run children's home under Section 34 of the Juvenile (Care and Protection of Children) Act, 2000 (Act, for short) in respect of children's home at Mahavir Enclave has been cancelled. By order dated 31st July, 2008 passed by the Child Welfare Committee, the petitioner was asked to produce 25 children from the children's home run by the petitioner before the concerned officer. The said orders were passed by the respondents in view

of the observations made in respect of the adoption of master Pradeep.

2. Keeping in view the nature of litigation and need to protect and provide care to the children housed in the children's home at Mahavir Enclave and Najafgarh, this Court vide order dated 5th August, 2008 appointed two Receivers, namely, Ms. Anjali Gandhi, Head of the Department of Social Works, Jamia Millia Islamia University and Mr. Surinder Verma, Chair Person of Child Welfare Committee, Lajpat Nagar. The petitioner society was directed to provide all assistance and cooperation to the Receivers. Later on, at the request of the Receivers, Dr. Neelam Sukhwani, Associate Professor, Department of Social Welfare was appointed to provide assistance. The two receivers and Dr. Neelam Sukhwani have been filing reports in this Court from time to time and in terms of the directions issued by this Court after 5th August, 2008. The two receivers have submitted their final report on 28th August, 2009. The reports including the final report indicate the steps taken by the Receivers with the concurrence of the management to improve the conditions of the children's home and remove the deficiencies.

3. Government of the NCT of Delhi has been taking active interest and closely watching the steps taken and improvements made. In the status report filed by the Department of Women and Child Development,

the said respondents have stated that they are willing to consider the case of the petitioner society for grant of provisional licence for running of children's home in Mahavir Enclave subject to the petitioner furnishing an undertaking that they will comply with the provisions of the Act and the Rules and such other orders and directions as have been issued or are applicable. The petitioner has filed the affidavit dated 1st September, 2009 of Mr. S.P. Rai, president of the petitioner society in the form of an undertaking stating that the petitioner will comply with the provisions of the Act and the Rules. In another affidavit, Mr. S.P. Rai on behalf of the petitioner stated that the petitioner will comply with all the directions given by the Receivers and will also do all acts, deeds and things in compliance with essential steps needed to be carried out by the petitioner society.

4. In view of the affidavit of the Government of NCT of Delhi, counsel for the petitioner seeks liberty to withdraw the preset writ petition. He further states that the petitioner will be bound by the undertakings given to this Court as well as to the respondents. The respondents will be entitled to monitor the progress and ensure the strict adherence to compliance of the provisions of the Act and Rules and carry out periodic inspection at least once in three months. It will be open to the respondents to take appropriate action in accordance with law, in case of violation of the

safeguard conditions mentioned in paragraph 3 of the short affidavit dated 20th March, 2009 of Ms. Suchi Sehgal. The petitioner society will not offer children for adoption.

5. It is open to the petitioner society to have fresh elections of the Executive Committee in accordance with constitution. It will be also open to Mr. R.K. Massey to make a representation to the Executive Committee. If any representation is made, the same will be considered by the Executive Committee. It is clarified that this Court has not expressed any opinion on the right of Mr. R.K. Massey. Interim arrangement as of today will continue. However, it will be open to the Executive Committee to make appropriate changes as may be required for the benefit and betterment of the society.

6. In view of the above order, counsel for the applicants in C.M.No.11240/2009 states that he does not want to press his application.

The writ petition and all pending applications are disposed of.

SANJIV KHANNA, J.

SEPTEMBER 07, 2009
NA/VKR