

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.16818 of 2015

and

M.P.No.1 of 2015

St. John Orphan Children Home
Rep by its Director A. Jayachandran No.9B
New Street Villupuram.

.. Petitioner

Versus

1 The Director of Social Welfare
Chepauk Chennai 5

2 The Commissioner of Social
Welfare No.58 Arunachalam Street
Chindadripet Chennai 2

3 The District Collector
Villupuram and District

4 The District Social Welfare
Officer Villupuram and District

5 The President
District Child Welfare Committee
Villupuram

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 5th respondent to inspect the petitioner home and grant Fit Institution Certificate within a stipulated period fixed by this Honourable Court.

For Petitioner : Mr.S.Parthasarathy

For Respondents : Mrs.P.Rajalaksmi
Government Advocate

O R D E R

By consent, the main writ petition is taken up for final disposal.

2. The petitioner claims that he is running a Orphan Children Home under the name and style of St. John Orphan Children Home for the past 18 years and 77 students have been admitted in the said institution. The petitioner would further state that the said institution has been periodically granted recognition from the year 2006 till 2013 and for the period from 2014-16, he submitted an application for renewal of recognition as early as on 01.04.2014 under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 (in short JJ Act). However, the said application has not been processed. On 08.10.2014 the 4th respondent inspected the premises and pointed out certain defects vide communication dated 09.10.2014.

3. It is the specific case of the petitioner that whatever defects pointed out by the 4th respondent in his communication dated 09.10.2014 have been fully complied with and he has also submitted a representation dated 05.12.2014 to the 5th respondent to come and make an inspection and a similar representation was also submitted to the 4th respondent on 22.12.2014 and inspite of the receipt of the said representations, the inspection with regard to the compliance of the defects has not been carried out and hence, came forward to file this writ petition.

4. Mr.S.Parthasarathy, learned counsel appearing for the petitioner has drawn the attention of this Court to Section 35 of the JJ Act, and would submit that for the purpose of effecting inspection the State Government has appointed the 5th respondent and it is the specific case of the petitioner that the defects pointed out by the 4th respondent vide communication dated 09.10.2014, have been fully complied with and the said fact has also been informed to the respondents 4 and 5 and inspite of it, no inspection has been carried out and attempts have been made to close the orphanage and in that event the fate of 77 children who have been admitted in the institution is in peril and jeopardy and prays for appropriate orders.

5. This Court, heard the submissions of Mrs.P.Rajalakshmi, learned Government Advocate, who accepts notice on behalf of the respondents and would submit that unless and until the petitioner rectify the defects pointed out in the communication of the 4th respondent dated 09.10.2014, the question of grant or extending the validity of the recognition does not arise at all.

6. This Court has heard the rival submissions and also perused the materials placed before it.

7. It is the stand of the writ petitioner that the defects pointed out by the 4th respondent in the communication dated 09.04.2015, has been fully complied with and as per Section 35 of the JJ Act, the 5th respondent has been appointed as Inspection Committee and therefore, it is under obligation to inspect the premises and

give a report for the purpose of renewal of the recognition and prays for appropriate orders.

8. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 5th respondent to consider the petitioner's representation dated 05.12.2014, in accordance with law, after putting on notice the 4th respondent and pass orders as expeditiously as possible and not later than two weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner as well as the 4th respondent and till then the respondents shall defer further action.

9. It is also made clear that in the interregnum, the petitioner shall not admit any new inmate and continues to maintain the institution in a good and sound condition in the welfare of the children, who have been admitted in the said institution.

10. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

(Sd) Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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- 4 The District Social Welfare
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- 5 The President
District Child Welfare Committee
Villupuram

+ 1 cc to M/s.S.Parthasarathy, Advocate SR 29212

+ 1 cc to Govt.Pleader SR 29272

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