

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9626 of 2016
and WMP.No.8656 of 2016

Eternal Word Trust

A Registered Charitable Trust,

Rep. by its Managing Trustee

Mrs.Vimala Jacob,

Villivakkam,

Chennai - 600 049.

.... Petitioner

vs.

1. The State of Tamil Nadu
Rep. by its Secretary to the Government,
Department of Social Welfare and Nutritious Meal,
Fort St. George,
Chennai - 600 009.
2. Director of Social Welfare,
Office of the Directorate of Social Welfare and
Nutritious Meal Program,
Government of Tamil Nadu,
Old Engineering College Campus,
Chepauk, Chennai - 600 005.
3. Deputy Director of Social Welfare (in-charge)
Office of the Directorate of Social Welfare,
Chepauk, Chennai - 600 005.
4. The Commissioner of Social Welfare
Commissionerate of Social Welfare,
No.58, Arunachalam Street,
Chindadripet, Chennai - 600 002.
5. District Social Welfare Officer
No.18, Ma.Po.C Nagar,
Thiruvallur - 602 001.
6. Child Welfare Committee
No.13, Dr.Abdul Kalam Street,
M.D.M.Nagar,
Thiruvallur - 602 001.

7. The District Child Protection Officer
No.18, Ma.Po.Si Salai,
Thiruvallur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the second respondent to dispose of the application filed by the petitioner before the fifth respondent on 30.12.2014 and to renew the registration of the Children Homes viz., Eternal Word Children's Home for Boys at Children's Home Street (Saraswathy Nagar), Thirumullaivoyal, Chennai-600 062 and Eternal Word Children's Home for Girls at Zion Street (Saraswathy Nagar), Thirumullaivoyal, Chennai - 600 062, which are under the control of the petitioner trust for a further period of three years under Section 34(3) of Juvenile Justice (Care and Protection of Children) Act, 2000, as amended in 2006.

For Petitioners : M/s.Devadason and Sagar
For Respondents : Mr.S.Pattabiraman, Govt. Advocate

O R D E R

The writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus, directing the second respondent to dispose of the application filed by the petitioner before the fifth respondent on 30.12.2014 and to renew the registration of the Children Homes viz., Eternal Word Children's Home for Boys at Children's Home Street (Saraswathy Nagar), Thirumullaivoyal, Chennai-600 062 and Eternal Word Children's Home for Girls at Zion Street (Saraswathy Nagar), Thirumullaivoyal, Chennai - 600 062, which are under the control of the petitioner trust for a further period of three years under Section 34(3) of Juvenile Justice (Care and Protection of Children) Act, 2000, as amended in 2006.

2. The petitioner Trust is a Public Charitable Trust, which came into existence on 05.04.1999, pursuant to a Deed of Declaration of Trust, registered as Document No.528/99 on the file of the Joint Sub-Registrar, Madras North. The said Trust was registered under Section 12AA of Income Tax Act and Certificate issued to that effect on 19.11.1999 in DIT(E) No.2 (262) / 99-2000. The petitioner Trust purchased 5 acres of land in Thirumullaivoyal, Chennai and constructed buildings having plinth area of 20,000 sq.ft.

3. The petitioner Trust has established and is administering 2 orphanages namely (i) Eternal Word Children's Home for Boys at Children's Home Street (Saraswathy Nagar), Thirumullaivoyal, Chennai - 600 062 and (ii) Eternal Word Children's Home for Girls at Zion Street (Saraswathy Nagar),

Thirumullaivoyal, Chennai - 600 062.

4. The petitioner has further averred that the Trust applied for recognition under Orphanages & other Charitable Homes (Supervision and Control) Act, 1960. The Chairman, Board of Control, issued Certificate of Recognition, dated 29.07.2004 in Sl.No.688 of 2004 to the petitioner. The recognition was subsequently renewed periodically. The Government of Tamil Nadu provide ration from the Tamil Nadu Civil Supplies Department and the Social Welfare Department periodically used to visit the Children's Home and there is no adverse remark in respect of the activities of the Children's Home.

5. After the commencement of Juvenile Justice Act in India, the Children's Home are to be registered under the Juvenile Justice (Care and Protection of Children) Act, 2000, the petitioner Trust applied for registration before the second respondent and the third respondent registered the Children's Home and issued a conditional registration, as per the Proceedings No.47879/CW-2/2009, dated 01.06.2011. As per the certificate, the registration is valid for the period commencing from 01.06.2011 and ending on 30.11.2011. The third respondent, called for certain documents and the petitioner also submitted the required documents, within the time fixed by the third respondent.

6. Thereafter, the petitioner applied for renewal of the registration of Children's Home through the fifth respondent along with the prescribed application enclosing the requirements as per the Juvenile Justice (Care and Protection of Children) Act, 2000, after obtaining approval from the sixth respondent. Though the fifth respondent acknowledged the receipt of the application on 30.12.2014, there is no response. Hence, the petitioner has come forward with the present writ petition, seeking for the relief as stated supra.

7. Considering the facts and circumstances and after hearing the submissions of both sides and pursuing the material papers, I am of the opinion it would be appropriate to direct the fifth respondent to consider the representation of the petitioner within a specified time. Accordingly, without going into the merits of the averments made in the accompanying affidavit and in the representation, fifth respondent is directed to consider the representation of the petitioner, dated 30.12.2014 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above observations, this writ petition is disposed of. No costs. Consequently, connected WMP.No.8656 of 2016 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

tsvn

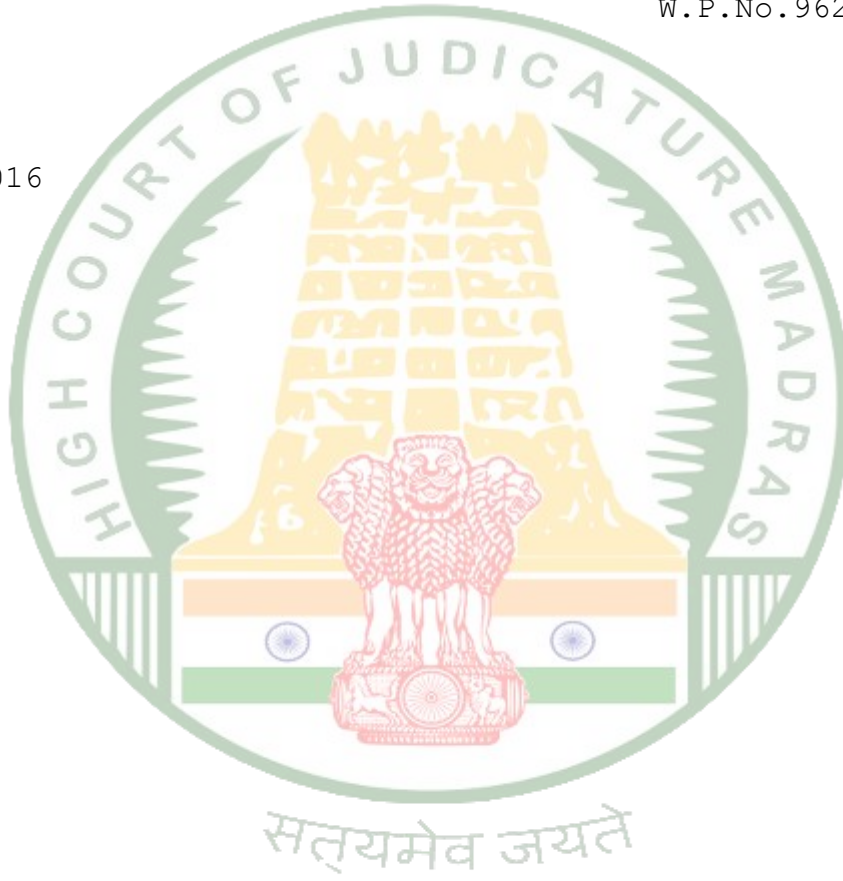
To

1. The Secretary to the Government
State of Tamil Nadu
Department of Social Welfare and Nutritious Meal,
Fort St. George,
Chennai - 600 009.
2. Director of Social Welfare,
Office of the Directorate of Social Welfare and
Nutritious Meal Program,
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+1 cc to Government Pleader sr.16953/16
+1 cc to M/s.Devadason and Sagar Advocates sr.17031/16

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