



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 10.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.5070 OF 2014 and M.P(MD)No.1 of 2014

People's Upliftment in Rural Area,
Represented by its Secretary S.Jansi,
No.100/117 B, Benjamin Compound,
Yesudian Street,
Nagercoil,
Kanyakumari District.

..Petitioner

.vs.

1.The Director,
Directorate of Social Welfare,
Chepauk,
Chennai-5.

2.The Assistant Director (Child Welfare)
Directorate of Social Welfare,
Chepauk, Chennai-5.

3.The District Collector,
Kanyakumari District,
Kanyakumari.

4.The District Social Welfare Officer,
Kanyakumari District,
Nagercoil.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the first respondent to grant permanent registration to the girl's home of the petitioner Society namely " Annammal Kailash Karunai Illam" situated at No.100/117 B, Benjamin Compound, Yesudian Street, Nagercoil, Kanyakumari District.

For Petitioner :Mr.K.Samidurai

For Respondents :Mr.R.Anandharaj
Govt. Advocate.



ORDER

The petitioner has filed this Writ Petition for a Writ of Mandamus to direct the first respondent to grant permanent registration to the Girls Home of the petitioner Society, namely, "Annammal Kailash Karunai Illam" situated at No.100/117 B, Benjamin Compound, Yesudian Street, Nagercoil, Kanyakumari District.

2. The learned Counsel appearing for the petitioner submits that the petitioner-Society has established the Girls Home in the name and style of "Annammal Kailash Karunai Illam" in the year 1993 and at present, there are 18 girls in the home and the petitioner is running the home. Even though the Juvenile Justice (Care and Protection of Children) Act, 2000, was amended in the year 2006, to the effect that running of such Homes to be registered under the Act, the petitioner claims to have filed an application for the said purpose in the year 2012 along with other requirement documents for the purpose of considering the petitioner's application.

3. The learned Government Advocate appearing for the respondents 1 to 3 referred to the counter filed on behalf of the third respondent. In paragraph '17' of the counter affidavit, the third respondent has stated as follows:

"17. Regarding para 6 & 7 of the affidavit, I respectfully submit that the averments stated by the petitioner is denied as false and devoid of truth. The petitioner herein has stated that she has applied to the first respondent for the grant of permission in the year 2012, whereas in the type-set the authorized signatory has signed the declaration on 14.03.213. But no application is either received or available in the Office. No proof is also enclosed in the typed-set. Hence, it has to be presumed that this is an afterthought raised with an intention to confuse the issue and gain leverage in the criminal initiated against them."

4. From the typed set of papers filed by the petitioner, I do not find any proof for the submission of application. However, taking into account the fact that the petitioner claims to have accommodated more than 18 girls in their Home and that they are running the Home from the year 1993, I direct the petitioner to file an application, as required, under the Act along with necessary documents within a period of 15 days from the date of receipt of a copy of this order. The fourth respondent is directed to hold enquiry and process the application and submit



his report with the recommendations before the competent authority within a period of eight weeks from the date of receipt of such application from the petitioner.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous petition is also closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

- 1.The Director,
Directorate of Social Welfare,
Chepauk,
Chennai-5.
- 2.The Assistant Director (Child Welfare)
Directorate of Social Welfare,
Chepauk, Chennai-5.
- 3.The District Collector,
Kanyakumari District,
Kanyakumari.
- 4.The District Social Welfare Officer,
Kanyakumari District,
Nagercoil.

+1cc to special Government Pleader SR.No.29798

+1cc to M/s.K.Samidurai, Advocate SR.No.29630

sm:NGM-MP:20.06.2016:3P/7C

W.P (MD) No.5070 OF 2014
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