



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2016

CORAM:

THE HONOURABLE Mr. JUSTICE M. S. RAMESH

W.P. (MD) No. 16778 of 2013

and

M.P. (MD) Nos. 1 to 3 of 2013

J. Adikaladoss

... Petitioner

Vs.

1. The Director of Social Welfare,
Social Welfare Department,
58, Arunachalam Street,
Chintadripet,
Chennai - 02.

2. The Commissioner of Social Welfare,
Office of the Commissioner of Social Welfare,
Old Engineering College Complex,
Chepauk, Chennai - 05.

3. The District Social Welfare Officer,
Social Welfare Department,
Madurai District, Madurai.

4. The Chairperson,
Child Welfare Committee,
21 - 22, Kennet Nagar, Muthupatti,
Madurai District.
Madurai - 03.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in his proceedings in D.O.Lr.No.18959/CW-2/2012 dated 13.09.2013 and quash the same as illegal and violation of principles of law and further direct the respondents to renew a certificate to run the Children's Home at T.Kallupatti, Madurai District within the stipulated period.

For Petitioner : Mr. G. Marimuthu

For Respondents : Mr. T. R. Janarthanam, AGP for R1 to 4

**ORDER**

The petitioner is a Christian Mission Children's Home providing food and accommodation to the children in Madurai District. The Home is situated in the building belonging to the petitioner. By an order dated 13.09.2013, the 3rd respondent had cancelled the licence of the petitioner's home on the ground that they had violated conditions stipulated under the Juvenile Justice Act. Admittedly, the petitioner is not running the home from the date of the impugned order dated 13.09.2013.

2. According to the learned counsel for the petitioner, no show cause notice touching upon the present impugned order, was issued to the petitioner, which according to him, is in violation of Rule 70 of the Juvenile Justice (Care and Protection of Children) Rules, 2007.

3. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that due show notice was issued to the petitioner on 15.07.2013, pointing out certain violations in the infrastructure and facilities of the petitioner's home.

4. The fact remains that the petitioner's home is closed as on date. It is also brought to my notice that at the time of passing of the impugned order, the licence had already expired on 26.07.2013 and the renewal process was pending. In view of the licence itself having been cancelled as on date, it would be appropriate that the petitioner submits a fresh application, seeking for issuance of a licence to run the home.

5. The learned Additional Government Pleader would submit that in case any application is made afresh, then the respondents might be given liberty to verify as to whether the petitioner's home is possessed of all the infrastructure and other facilities as contemplated under the Act. The liberty sought for is granted.

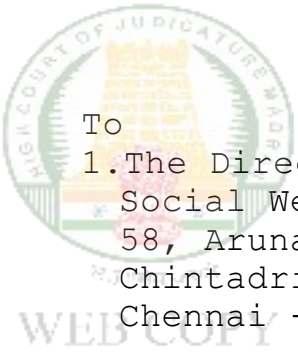
6. In view of the above, no interference is required against the impugned order and the petitioner is granted liberty to make a fresh application seeking for licence of children's home. On receipt of such application, the respondents shall consider and pass orders on the same on its own merits, within a period of 6 weeks from the date of receipt of a copy of this order.

7. With the above observation, the Writ petition is disposed. No costs. Consequently, connected M.Ps. are closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/



To

1.The Director of Social Welfare,
Social Welfare Department,
58, Arunachalam Street,
Chintadripet,
Chennai -02.

2.The Commissioner of Social Welfare,
Office of the Commissioner of Social Welfare,
Old Engineering College Complex,
Chepauk, Chennai - 05.

3.The District Social Welfare Officer,
Social Welfare Department,
Madurai District, Madurai - 03.

+1 cc to M/s.G.Marimuthu, Advocate in SR.No.79206

+1 cc to The Special Government Pleader in SR.No.79795

NBJ

CSL/PV/29.12.2016 :3P/6C

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