

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.03.2017

CORAM

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

WP.Nos.6651 to 6653 of 2017

Roever Children's Home
Rep. by its Secretary,
K.Varadharajaen,
Roever Campus,
Perambalur 621 212.
Perambalur District.

... Petitioner in WP.6651/17

Thanthai Roever Home for Children
Rep. by its Secretary,
K.Varadharaajen,
Indira Nagar,
Elambalur 621 212.
Perambalur District.

... Petitioner in WP.6652/17

St. John Home for Children
Rep. by its Secretary,
K.Varadharaajen,
Nerkunam 621 117.
Veppanthattai Taluk,
Perambalur District.

... Petitioner in WP.6653/17

Versus

1.The Secretary to the Government,
Department of Social Welfare & Nutritious Meal Scheme,
Secretariat, Fort St. George, Chennai-9.

2.The Director,
Directorate of Social Defence,
No.300, Purasawalkam High Road,
Kellys, Chennai-10.

3.The Director,
The Directorate of Social Welfare,
SIDCO Building, Thiru Vi. Ka. Industrial Estate,
Guindy, Chennai-32.

4.The Collector,
Collectorate, Perambalur,
Perambalur District.

5.District Child Protection Office,
District Child Protection Unit,
No.164, 2nd Floor, M.M.Plaza,
Trichy Main Road,
Perambalur District 621 212.

6.Chairman,
Child Welfare Committee,
No.164, 2nd Floor, M.M.Plaza,
Trichy Main Road,
Perambalur District 621 212.

7.District Social Welfare Officer,
District Collectorate Building,
Perambalur District 621 212 .. Respondents in all WPs.

WP.No.6651 of 2017 : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings dated 12.12.2016 in No.Se.Mu.No.43/2016/ Ma.Ku.Pa-A-Perambalur on the file of the 4th respondent and quash the same directing the 4th respondent authorities to grant sufficient time to comply with G.O.Ms.No.31 dated 26.06.2014, Department of Social Welfare and Nutritious Meal Scheme, Government of Tamil Nadu.

WP.No.6652 of 2017 : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings dated 12.12.2016 in No.Se.Mu.No.42/ 2016/Ma.Ku.Pa-A-Perambalur on the file of the 4th respondent and quash the same directing the 4th respondent authorities to grant sufficient time to comply with G.O.Ms.No.31 dated 26.06.2014, Department of Social Welfare and Nutritious Meal Scheme, Government of Tamil Nadu.

WP.No.6653 of 2017 : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings dated 12.12.2016 in No.Se.Mu.No.44/2016/ Ma.Ku.Pa-A-Perambalur on the file of the 4th respondent and quash the same directing the 4th respondent authorities to grant sufficient time to comply with G.O.Ms.No.31 dated 26.06.2014, Department of Social Welfare and Nutritious Meal Scheme, Government of Tamil Nadu.

For Petitioner : Mr.Xavier Arulraj,

Senior Counsel for Ms. A. Arul Mary
in all the writ petitions

For Respondents : Mr.A.N.Thambidurai,
Spl. Govt. Pleader
in all the writ petitions

C O M M O N O R D E R

Heard the learned Senior counsel for the petitioners as well as the learned Special Government Pleader appearing for the respondents and perused the materials placed on record.

2. These writ petitions have been filed by the Secretary of the petitioner institutions to quash the impugned proceedings dated 12.12.2016 passed by the 4th respondent. In and by the said proceedings dated 12.12.2016, the fourth respondent/District Collector has issued direction to the Superintendent of Police, Perambalur to ensure that adequate police protection is accorded for shifting of the children from the petitioner/Home and to accommode them in the Welfare Homes run by the Government. It was further directed that if it is found that the petitioner/ Home is functioning even after the order dated 12.12.2016, directions was issued to the Superintendent of Police to take appropriate action against the petitioners.

3. These Writ Petitions have to be dismissed in limine, for the simple reason that the Secretary of the Petitioners Home is embolden to file an affidavit with audacity to state that even as on the date of filing the present writ petitions he is running the Children's Home. The fact remains that by the impugned order, the fourth respondent has ordered to shift the students to the Orphanages run by the Social Welfare Department and has also sealed the premises of the petitioners for violation and non-compliance of the directions of the Government for the past three years. Such an order came to be passed not only on the ground of violation of the norms but the petitioner institution did not provide the basic amenities to the children accommodated in their home. While so, the contents of the affidavit filed in support of the writ petition is nothing but a falsehood and the petitioner is guilty of suppression of material facts.

4. It is to be pointed out further that the order dated 12.12.2016, which is impugned in these writ petitions, has resulted in closure of the Children's Home run by the

petitioner. Thereafter, the petitioner institution themselves, by letter dated 28.12.2016, stated that since the students were not available due to half yearly examination holidays, they will present the students, after they return on 02.01.2017. By another letter dated 03.01.2017, the petitioner institution sent another letter to the fourth respondent stating that the parents of the students had approached the Collector and the Collector, by virtue of an oral order had permitted the petitioner to continue to run the institution and therefore, the petitioner is running the institutions. The contents of the letter dated 28.12.2016 cannot be accepted. If it is so, the petitioners would not have come to this Court by filing these writ petitions to challenge the order passed by the District Collector on 12.12.2016.

5. Learned Senior Counsel appearing for the petitioner fairly submitted that the Children's Home run by the petitioner has been sealed and the seal has not been opened or tampered with. It is further stated that the petitioner is running the Children's Home in some other premises.

6. Be that as it may. When the petitioner has challenged the order dated 12.12.2016 of the District Collector, then the question arise for consideration in these writ petitions is whether the petitioner is legally entitled to run the institutions, whether they have complied with the norms of the Government for running such institutions, whether the petitioner has provided all the required amenities. In the present case, the fourth respondent, after conducting an exhaustive enquiry and after observing the formalities required, has come to a definite conclusion that the petitioner is not entitled to run the Children's Home. It was further concluded that the petitioner has violated the norms of the Government which are condition precedent for running the Children's Home for successive three years. The fourth respondent has also recorded very many reasons for such a conclusion. This Court do not find any reason to interfere with such an order passed by the fourth respondent. Further, the petitioner has suppressed material particulars at the time of filing the present writ petitions and therefore also, the petitioner is not entitled for any relief in these writ petitions. In such view of the matter, the Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions in WMP Nos. 7161 to 7169 of 2017 are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

gya/rsh

To

1.The Secretary to the Government,
Department of Social Welfare & Nutritious Meal Scheme,
Secretariat, Fort St. George, Chennai-9.

2.The Director,
Directorate of Social Defence,
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3.The Director,
The Directorate of Social Welfare,
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Perambalur District 621 212.

+3ccs to Government Pleader in Sr. 17608,17609 & 17610

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WP.Nos. 6651 to 6653/2017

RSH(CO)
VR(12/04/2017)

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