



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.03.2017

CORAM:

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.260 of 2017
and
C.M.P. (MD) No.2677 of 2017

People's Upliftment in Rural Area
rep.by its Secretary S.Jansi
w/o.Abhraham Rajan
No.100/117-B, Benjamin Compound
Yesuvadiyan Street, Nagercoil-629 001
Kanyakumari District

... Appellant/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
Nagercoil
- 4.The District Social Welfare Officer
Kanyakumari District, Nagercoil ... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 30.01.2017, made in W.P.(MD) No.1375 of 2017, on the file of this Court.

Prayer in WP(MD)No.1375/2017:

Writ Petition is filed under Article 226 of the Constitution of India,praying this Court To issue a Writ of Mandamus,directing the respondents to grant permanent registration to the home being run by the petitioners society namely Peoples Upliftment in Rural Area under the name of Annammal Kailash Karunai Illam situated at NO.100/117B,Benjamin Compound, Yesuvadiyan Street,Nagercoil, Kanyakumari District forthwith by considering all the documents as submitted along with representation dated 07.11.2016 as per the



Juvenile Justice and (Care and Protection...

For Appellant :Mr.S.Palanivelayutham

For Respondents :Mr.V.Muruganantham

Addl. Govt. Pleader

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J U D G M E N T

[Judgment of the Court by T.S.SIVAGNANAM, J.]

Heard Mr.S.Palanivelayutham, learned counsel appearing for the appellant / writ petitioner and Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents / respondents and perused the materials produced.

2. This writ appeal is directed against the order, dated 30.01.2017, made in W.P.(MD) No.1375 of 2017.

3. The appellant / writ petitioner sought for issuance of a writ of mandamus to direct the respondents to grant permanent recognition to the home run by them for destitute children. The writ petition came to be dismissed by the impugned order, dated 30.01.2017, pointing out that the criminal case filed against the appellant / writ petitioner, in Crime No.655 of 2016, is still pending and 31 girl students, who were in the home run by them, were rescued and lodged in a safer place. Therefore, the Writ Court opined that the appellant / writ petitioner cannot maintain the prayer sought for. While dismissing the writ petition, liberty was granted to the appellant / writ petitioner to revive the request, if the criminal prosecution launched against them ends in their favour.

4. Admittedly, the criminal prosecution launched against the appellant / writ petitioner, under the provisions of Juvenile Justice (Care and Protection of Children), Act, 2000 and other penal provisions, are still pending at the F.I.R., stage. We may note that the appellant / writ petitioner had approached this Court earlier by way of W.P.(MD) No.5070 of 2014, wherein an identical relief was sought for as that of the present writ petition. The said writ petition was disposed of by order, dated 10.06.2016. In the said writ petition, the appellant / writ petitioner claimed that they have more than 18 girls in their home and they have been running the home from 1993. The Court also took into consideration the counter filed by the District Collector, Kanyakumari District, in which it was stated that no application seeking permission to run the home was received or available in the office of the District Collector and since no proof was produced by the appellant / writ petitioner, it was presumed that it was an afterthought with an intention to confuse the issue and gain leverage in the criminal proceedings initiated



against them.

5. After noting all these facts, the Court issued a positive direction to the appellant / writ petitioner to file an application, as required under the provisions of the Juvenile Justice (Care and Protection of Children), Act, 2000 along with necessary documents, within a period of fifteen days from the date of receipt of a copy of that order.

6. It is not in dispute that the appellant / writ petitioner did not comply with the directions issued by the Writ Court for recognition to the home under the Act nor complied with the timeline fixed by the Court. Thus, it is evidently clear that the appellant / writ petitioner did not care to respect the directions issued by this Court that too in a writ petition filed by them. Now, once again, for the very same relief, the second writ petition is not maintainable, moreso when the appellant / writ petitioner have not complied with the directions issued in the earlier writ petition. Hence, for all these reasons, the appellant / writ petitioner have not made any ground for entertaining the writ appeal.

7. In the result, the writ appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/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, Nagercoil.
 - 4.The District Social Welfare Officer,
Kanyakumari District, Nagercoil.
- +1cc to M/S.S.Palanivelayutham, Advocate, SR.16938

W.A. (MD) No.260 of 2017

and

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