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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No. 6876 of 2014

and

M.P. (MD) Nos. 1 and 2 of 2014

A.Narayanan

... Petitioner

Vs.

- 1.The Secretary to Government
Department of Social Welfare and Nutritious Meal Scheme,
Chennai - 600 009.
- 2.The Commissioner,
Commissionerate of Social Welfare,
Chindadripet,
Chennai 600 002.
- 3.The Secretary,
The Central Adoption Resource Authority,
Ministry of Women & Child Development,
West Block 8, Wing 2,
II Floor, R.K.Puram,
New Delhi 110 066.
- 4.The Directorate of Social Welfare,
The State Adoption Resource Agency,
Old Engineering College Complex,
Chepauk,
Chennai 600 005.
- 5.The Collector,
Tiruchirapalli District.
- 6.The Child Welfare Committee,
Tiruchirapalli District.
- 7.SOC SEAD Adoption Centre,
395, Old Good Shed Road,
Tepakulam Post,
Tiruchirapalli 620 002.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to appoint a Committee to conduct inspection under Section 35 of the Juvenile Justice (Care and Protection) Act, 2000, after suspending the recognition of the seventh respondent based on the report submitted by the seventh respondent and to rehabilitate the children in the custody of the 7th respondent in accordance with Rule 59(4) of the Guidelines Governing the Adoption of Children, 2011.



For Petitioner : Mr.D.Arul for M/S.D.Geetha
For Respondents : Mr.A.K.Baskarapandian, Spl.G.P.for R1,2 & 5
Mr.K.Mahendran for R7
Mr.M.Saravanan for and R6
Mr.G.R.Swaminathan, ASG., for R3

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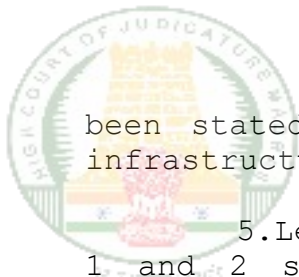
O R D E R**(Order of this Court was made by S.TAMILVANAN,J.)**

The Writ petition has been filed seeking an order in the nature of the Writ of Mandamus, directing the first respondent to appoint a Committee to conduct inspection under Section 35 of the Juvenile Justice (Care and Protection) Act, 2000, after suspending the recognition of the seventh respondent based on the report submitted by the sixth respondent in accordance with Rule 59(4) of the guidelines governing the Adoption of Children Rule, 2011.

2.Having considered the submissions made by the learned counsel appearing on either side, the earlier Bench Bench of this Court passed an order dated 30.04.2014 whereby, the Probationary Officer, Child Welfare Committee, Tiruchirapalli was directed to inspect the seventh respondent/ Adoption Center and submit a report to this Court about the conditions prevailing therein. It was also ordered to shift the children housed in the seventh respondent center to various specialised adoption agencies such as (i) Kasturiba Gandhi Adoption Centre, Gandhigram, Dindigul, (ii) Claretian Mercy Home, Ponnambalam Post, Thirumangalam, Madurai, (iii) Lifeline Trust, 8E,Raghuram Colony, Salem, (iv)Karnaprayag Trust, No.7, Rajakrishna Rao Road, Alwarpet, Chennai-18 and (v)Balamandir Kamaraj Trust, G.N.Chetty Road, T.Nagar, Chennai - 17.

3.When the matter was taken up for further hearing, it is brought to the notice that the authorities have inspected the seventh respondent / Adoption Centre as directed by this Court. Based on ground reality at present and the implementation of the guidelines by the seventh respondent towards the administration of the Adoption Center, the licence was also renewed in favour of the seventh respondent by the Authorities. It is further submitted by the Special Government Pleader that shifting the children to various homes would affect the atmosphere of the children and the expenses have to be incurred by the Government in the Public Interest Litigation, though the same is not warranted at present.

4.As per the order passed by this Court on 11.02.2015, i) The District Social Welfare Officer, Trichy, ii) The Joint Director Health Department Trichy / Deputy Director, Trichy and iii) The Programme Officer of the said adoption resource agency were directed to inspect the seventh respondent / home and submit a report. Accordingly, inspection was conducted on 21.02.2015 and a detailed report was filed. In the said report, details of the employees working, the registers being maintaining therein such as, Master Register, Child Admission Register, Child Attendance Register, Indian Adoption Register, Prospective Adoptive Parents Register, Inter country Adoption Register, Child Transfer Register, Child Return to Biological Parents Register, Death Register, Adoption Follow up Register, Individual Case File, Individual Medical Records, Stock Register and Movement Register. In the said report it has



been stated that the said institution is running properly with proper infrastructure.

5.Learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the home run by the seventh respondent was inspected by responsible officers and the report shows that the adoption center at Trichy is being run properly, hence, the licence was also renewed as per Rules.

6.It is also submitted by Mr.G.R.Swaminathan, Assistant Solicitor General that as per the inspection made by the Central Adoption Authority, it is not in dispute that the adoption center is properly maintained, at present and the report of the Expert Committee reveals the fact, hence, raised no objection against the 7th respondent in running the Center at present.

7.However, the learned counsel appearing for the petitioner submitted that the allegations have not been followed by the 7th respondent, hence, he required this Court not to dispose the Writ petition, based on the expert committee report and the submission made by the Special Government Pleader, the Assistant Solicitor General and the counsel for the 7th respondent.

8.It is an admitted fact that responsible authorities have inspected the seventh respondent / Home, as directed by this Court and submitted their report, hence, the petitioner / third party cannot raise any objection against the report of the expert committee, who inspected the adoption center.

9.Mr.Mahendran, learned counsel appearing for the seventh respondent submitted that due to personal animosity, the petitioner filed the Writ petition in the nature of PIL against the 7th respondent and raising unreasonable plea against the report of the expert committee, constituted by this court and argues against the view of the Government. According to Mr.Mahendran, it is only a private interest litigation of the Writ petitioner and he requested to dismiss the same with cost.

10.On the aforesaid facts and circumstances, we are convinced on the report filed by the committee of responsible officers as stated above and also the view expressed by the Special Government Pleader and the Assistant Solicitor General, appearing for the official respondents.

11.However, to meet the ends of justice, the Writ petition is disposed of with a direction to the seventh respondent to maintain the adoption center properly according to law and the respondents 1 to 6 are also directed to conduct periodical supervision for the maintenance of the the seventh respondent adoption center properly.

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

Sd/-

Assistant Registrar(CO)

/True copy/



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To

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+2cc to MR.R.SUBRAMANIAN,ADVOCATE IN SR NO.13102
+1CC TO SPECIAL GOVERNMENT PLEADER IN SR NO.13736
+1CC TO K.MAHENDRAN,ADVOCATE IN SR NO.13434

W.P. (MD) No.6876 of 2014
18.03.2015

RG.16.04.2015 4P/12C