



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.12422 of 2017

and

W.M.P. (MD) Nos.9573 and 10727 of 2017

T.Jeenis

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary,
Social Welfare Department,
St. George Fort,
Chennai-600 009.

2.The District Collector,
Theni District,
Theni.

3.The District Child Protection Officer,
O/o. District Child Protection Officer,
Collectorate complex,
Theni,
Theni District.

4.R.S.Murugavel

5.G.Ayyanar

6.A.Karuppasamy

7.N.Prabhu

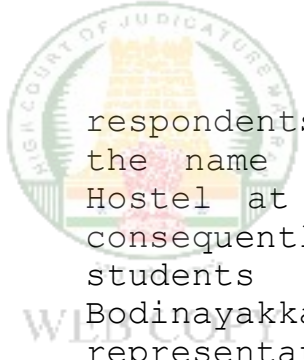
8.A.Mahalakshmi

9.Thirumalapuram nadargal Uravinmurai Sangam,
(Reg. 177/98),
Rep. by its President Thiru. M.V.C.Suriyan,
No.35, Bazar Street,
Thirumalapuram,
Bodinayakanur,
Theni District.

.. Respondents

(9th respondent is impleaded as per the order of this Court,
dated 03.08.2017, vide W.M.P. (MD).No.10727/2017 in
W.P. (MD).No.12422 of 2017)

PRAYER: Writ Petition filed under Article 226 of the Constitution
of India, praying for issuance of a Writ of Mandamus, directing
the respondents nos.2 and 3 to take necessary action against the



respondents 4 to 8 herein who are illegally running the Hostel in the name Bodi-Thirumalapuram, Nadar Higher Secondary Students Hostel at Thirumalapuram, Bodinayakkanur, Theni District and consequently direct the respondents nos. 2, 3 to shift the students to some other licensed hostel at Thirumalapuram, Bodinayakkanur Theni District by considering petitioner's representation on 14.06.2017, 27.06.2017 within a stipulated time fixed by this Court.

For petitioner	: Mr.K.A.Thirumalaiappan.
For Respondents 1 to 3	: Mr.M.Govindan Special Government Pleader
For Respondents 4 to 8	: Mr.T.Pon Ramkumar
For the newly impleaded respondent	: Mr.S.C.Herold Singh

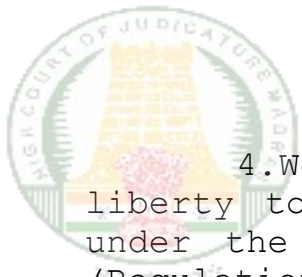
O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

This writ petition has been filed for directing the authorities to take action against the respondents 4 to 8 who are said to be illegally running the hostel in the name Bodi-Thirumalapuram, Nadar Higher Secondary Students Hostel at Thirumalapuram, Bodinayakkanur, Theni District. A consequential direction for shifting the students to some other licensed hostel is also sought. The writ petitioner has earlier given a representation on 14.06.2017. Since the same was not considered, the present writ petition has been filed.

2.Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3, the learned counsel appearing for the respondents 4 to 8 and the learned counsel appearing for the impleaded respondent also.

3.It is true that the state of Tamilnadu had enacted Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014 and that licence is required under the said statute for running hostels. It appears that at present, such a licence has not been obtained by the respondents 4 to 8 who are running the hostel in question. However, the learned counsel appearing for the respondents 4 to 8 pointed out that the hostel cannot be shut down immediately. This is because the students from 6th to 12th standard who hail from rural areas, numbering around 90 are presently staying in the hostel. They have already taken steps to secure various certificates such as Building Stability Certificate, Fire Certificate, Sanitary Certificate etc., Those Certificates are necessary to apply for licence under the said Act. The authorities had given them six months time to complete the entire process.



4. We, therefore, dispose of the writ petition giving liberty to the respondents 4 to 8 herein to obtain the licence under the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014, within a period of six months from the date of receipt of copy of this order. The authorities shall be at liberty to take action if licence is not obtained, even after the said period of six months.

5. At this stage, the learned counsel for the impleaded respondent pointed out that disputes have arisen among the members of Bodi-Thirumalapuram, Nadar Higher Secondary Students Hostel and that one breakaway faction is unauthorisedly running the Kamarajar students hostel. It is stated that civil suits had already been filed in this regard. We make it clear that the relief granted in this writ proceeding will not have any bearing in the said suit proceedings. The dispute regarding control over the hostel or sangam will have to be resolved in the civil proceedings. The authorities are bound to abide by the outcome of the civil proceedings.

6. This writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To:

1. The State of Tamil Nadu,
Rep. By its Secretary,
Social Welfare Department,
St. George Fort, Chennai-600 009.

2. The District Collector, Theni District, Theni.

3. The District Child Protection Officer,
O/o. District Child Protection Officer,
Collectorate complex, Theni, Theni District.

+One cc to M/s.T.Pon Ram Kumar, Advocate, SR.No.70294

+One cc to Mr.S.C.Herold Singh, Advocate, SR.No.70052

+One cc to Mr.K.A.Thirumalaiappan, Advocate, SR.No.70518

+One cc to The Special Government Pleader, SR.No.70643

MRN/VS

RL/8C/3P/KP/SAR1/5/9/2017

ORDER MADE IN

W.P (MD) No.12422 of 2017

and

W.M.P. (MD) Nos.9573 and 10727 of 2017