



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.(MD)No.9584 of 2017

and

W.M.P.(MD).Nos.7314 and 7315 of 2017

WEB COPY

The Sacred Heart Home for Children,
rep. by its Correspondent,
Mr.M.Andony Adimai,
Irudayakulam,
Vicramasingapuram,
Tirunelveli District.

... Petitioner

Vs.

1.The Directorate of Social Defence,
O/o.Director of Social Defence,
No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010.

2.The District Collector,
O/o.the District Collector,
Tirunelveli, Tirunelveli District.

3.Dev Anand,
The District Child Protection Officer,
O/o.District Child Protection,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order letter No.225/DCPU/2017, dated 11.05.2017 issued by the respondent No.3 and quash the same as illegal and consequently for a direction, directing the first respondent to issue the renewal certificate of registration dated 11.11.2016 based on the application dated 20.04.2017 within a stipulated time.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Muthukaruppan,
Addl. Government Pleader

O R D E R

This writ petition has been filed by the petitioner challenging the order, dated 11.05.2017, passed by the third respondent, District Child Protection Officer, whereby and whereunder the third respondent directed to close the petitioner Home from 12.05.2017.



2.The learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.The learned counsel for the petitioner submitted that the petitioner Home has been providing shelter to the orphans and, landless and uneducated poor children. The petitioner Home has got provisional registration from the respondent No.1, on 11.11.2016, under Section 41(1) of Juvenile Justice (Care and Protection of Children) Act. The petitioner has already filed an application before the appropriate authority for renewal of the said period on 20.04.2017. While so, the third respondent, has issued the impugned order directing the petitioner to close the home, without issuing any notice and without giving any opportunity to the petitioner. Therefore, the said order may be set aside.

4. The learned Additional Government Pleader appearing for the respondents submitted that based on the order passed by this Court and also the order of the Social Welfare Department, the third respondent has passed the order directing to close the Home on 12.05.2017. Therefore, the same is perfectly valid.

5.Admittedly, the petitioner Home has been granted the Certificate for Provisional Registration on 11.11.2016 and the same has been valid for six months. Thereafter, the petitioner has also applied for further renewal of Certificate of Registration on 20.04.2017 before the first respondent. During the pendency of the same, it is seen that the third respondent has passed the impugned order in stereotype directing the petitioner not to run Home from 12.05.2017, without giving any opportunity. Hence, this Court is inclined to remand the matter for fresh consideration after giving sufficient opportunity to the petitioner.

6.In view of the above, the impugned order, dated 11.05.2017, is set aside and the same is remitted back to the file of the third respondent for passing fresh order, after giving an opportunity of personal hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Vacation Officer/
Assistant Registrar

/True Copy/



To

1.The Directorate of Social Defence,
O/o.Director of Social Defence,
No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010.

2.The District Collector,
O/o.the District Collector,
Tirunelveli, Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.57694

+One cc to Mr.T.Lajapathi Roy, Advocate, SR.No.57249

gcg

RL/5C/3P/MR/SAR1/31.5.2017

W.P. (MD) No.9584 of 2017

24.05.2017