

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2018

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition Nos.1266 to 1269 of 2018
and
WMP.Nos.1577 to 1580 of 2018

Roever Children's Home
Represented by its Secretary
Mr.K.Vardharaajen ... Petitioner
(in WP.No.1266 of 2018)

Thanthai Roever Home for Children
Represented by its Secretary
Mr.K.Varadharaajen .. Petitioner
(in WP.No.1267 of 2018)

St.John Home for Children
Represented by its Secretary
Mr.K.Varadharaajen ... Petitioner
(in WP.No.1268 of 2018)

Sri Ramalinga Jothi Nilayam - Vallalar Gurugulam
Represented by its Secretary
Mr.M.K.P.Vasudevan ... Petitioner
(in WP.No.1269 of 2018)

versus

1. The Secretary to the Government
Department of Social Welfare & Nutritious Meal Scheme
Secretariat,
Fort St.George, Chennai-600 009.
2. The Director
Directorate of Social Defence
No.300, Purasawalkam High Road,
Kellys, Chennai-600 010.
3. The Director
The Directorate of Social Welfare
II Floor, Panagal Maaligai
No.1, Jeenis Road, Saidapet
Chennai-600 015.

4. The Collector
District Collectorate
Perambalur, Perambalur District.
5. District Child Protection Officer
District Child Protection Unit
No.164, 2nd Floor, M.M.Plaza
Trichy Main Road, Perambalur District-621 212.
6. District Social Welfare Officer
District Collectorate Building
Perambalur District - 621 212. ... Respondents
(in WP.Nos.1266 to 1269 of 2018)

Writ petition No.1266 of 2018 filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to release the feeding grant for the financial years 2013-2014 to 2014-2015 and for the subsequent period till the closure in April 2017, to Roever Children's Home, Roever Campus, Perambalur-621 212.

Writ petition No.1267 of 2018 filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to release the feeding grant for the financial years 2013-2014 to 2014-2015 and for the subsequent period till the closure in April 2017, to Thanthai Roever Home for Children, Indira Nagar, Elambalur - 62 212.

Writ petition No.1268 of 2018 filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to release the feeding grant for the financial years 2013-2014 to 2014-2015 and for the subsequent period till the closure in April 2017, to St.John Home for Children, Nerkunam, Veppanthattai TK, Perambalur Dt - 621 117.

Writ petition No.1269 of 2018 filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to release the feeding grant for the financial years 2013-2014 to 2014-2015 and for the subsequent period till the closure in July 2016, to Sri Ramalingam Jothi Nilayam - Vallalar Gurugulam, Chettikulam - 621 104 Perambalur District.

For Petitioner : Dr.Fr.Xavier Arulraj
Senior Counsel for
M/s.A.Arul Mary
(in WP.Nos.1266 to 1269 of 2018)
For Respondents : Mr.R.Govindasamy
Special Government Pleader
(in WP.Nos.1266 to 1269 of 2018)

C O M M O N O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents. By consent of the parties, these main writ petitions are taken up for final disposal at the admission stage themselves.

2. All these petitioners are individual Children Home, run by the respective Society. These writ petitions are filed seeking for mandamus directing the respondents to release the feeding grant for the financial year 2013-2014 to 2016-2017, as has been given till 2012-2013. It is seen that in all these cases, the petitioners have sent their representations for each financial year on 14.06.2013, 27.10.2014, 15.12.2015 & 10.06.2016 in WP.No.1266 of 2018, on 14.06.2013, 27.10.2014, 15.12.2015 & 27.10.2017 in WP.No.1267 of 2018, on 14.06.2013, 27.10.2014, 15.12.2015 & 10.06.2016 in WP.No.1268 of 2018, and on 17.06.2013, 27.10.2014, 15.12.2015-resubmitted on 11.09.2017 & 06.11.2017 in WP.No.1269 of 2018 respectively.

3. Heard Dr.Fr.Xavier Arulraj, learned Senior Counsel appearing for the petitioners and Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents.

4. The grievance of the petitioners in all these cases is that the respondents failed to release the feeding grant from the financial year 2013-2014 onwards till the closure of the respective Children Homes in the month of April 2017, without having any valid reason. It is further submitted before this Court that all these Homes were receiving their feeding grant upto the financial year 2012-2013 from the hands of the respondents and therefore, stopping such feeding grant from the financial year 2013-2014 onwards is without any justification.

5. The learned Senior counsel appearing for the petitioner submitted that even though the Children Homes were closed by the order of the Collector, for some reasons, the Homes were admittedly, running till the month of April 2017 and therefore, the feeding grant ought to have been granted till the closure.

6. This Court, at this stage, is not expressing any view on the merits of the claim made by all these petitioners, as it is for the third respondent to consider and decide the same. Though it is stated by the learned Senior Counsel appearing for the petitioners that these petitioners have already sent their representations for each financial year for the release of feeding grant, he fairly submitted that once again a fresh representation will be submitted by all these petitioners summarizing their grievance in respect of the past financial years, in which the grant was not paid so far, within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, all these writ petitions are disposed of, without expressing any view on the claim made by the petitioners, only with liberty to the petitioners to make a fresh representation, within a period of four weeks from the date of receipt of a copy of this order. If any such representation is made, the third respondent shall consider the same and pass orders on merits and in accordance with law, after giving due opportunity of hearing to the petitioners as well, within a period of eight weeks from the date of receipt of such representation. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

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+ 1 CC to the Government Pleader SR NO 4842

+ 5 CCs to Ms.A.Arul Mary, Advocate SR NO 5057

W.P.Nos.1266 to 1269 of 2018

GP/5.2.



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