

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.2013 of 2018

and

WMP.No.5086 of 2019

The Destitute Charitable Trust
Rep. by its Managing Trustee
P.Russal Raj
No.25, 6th Cross Street
Jaiwand Puram
Madambakkam, Chennai-600 126.

...Petitioner

Vs.

1.The Tahsildar
Taluk Office Building, 1st Floor
GST Road, Tambaram,
Near Mepz, Kadaperi
Chennai-600 045.

2.The District Collector
Kancheepuram District.

3.The Director
Social Defence Department
No.300, Purasawalkam High Road,
Kellys, Chennai-600 010.

4.The Secretary,
Social Welfare Department,
Chennai.

...Respondents

R2 to R4 Suo motu impleaded as per order dated 28.09.2018 in
WP.No.2013 of 2018

Writ Petition filed under Article 226 of the Constitution of
India praying to issue a Writ of Mandamus directing the
respondent to issue the D License within a stipulated time.

For Petitioner : Mr.Shaikh Mehrunisa

For Respondents : Mr.R.Govindasamy
Special Government Pleader

C O M M O N O R D E R

The petitioner seeks for mandamus directing the first respondent to issue "D License" to the subject matter building under the Tamil Nadu Public Building (Licensing) Act, 1965.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. It is seen that the petitioner was running a Children Home in the name of "The Destitute Charitable Trust". On 19.05.2015, the Child Welfare Committee, Chengalpet, passed an order and directed the petitioner to surrender all the nine abandoned children before the said committee. The said order was put to challenge before this Court in WP.No.15264 of 2015, by the petitioner. The said writ petition was dismissed on 11.08.2016, by observing that the petitioner was neither registered under the Orphanages Act, 1960 nor registered under the Juvenile Justice (Care and Protection of Children Act), 2000 and under the new Juvenile Justice (Care and Protection of Children Act), 2015. The learned Single Judge, while dismissing the writ petition, has observed that the petitioner is under statutory mandate to run the Children Home only in the event of having valid registration and it should be subsisting.

4. Now, it is stated before this Court that in pursuant to the said order, all the children from the petitioners' Home were removed and the said Children Home run by the petitioner was also closed. It is stated before this Court that the petitioner wants to obtain proper registration from the concerned authorities to run the Children Home and for which purpose, they need to get structural soundness certificate from the respondents in respect of the building, where the said Home is proposed to be located. The grievance of the petitioner is that the application filed by the petitioner for issuing such "D License" is pending before the first respondent from 04.12.2017 onwards. Therefore, the present writ petition is filed seeking for the relief as stated supra.

5. The learned Special Government Pleader for the respondents submitted that spot enquiry has been conducted and the authorities have found some discrepancies. However, the fact remains that no written communication was sent to the petitioner either accepting their application for issuance of "D License" or rejecting the same.

6. Therefore, without expressing any view on the merits of the claim made by the respective parties, this writ petition is disposed of, only by directing the respondents to pass orders on the application filed by the petitioner seeking for "D License"

and communicate the same to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

1.The Tahsildar
Taluk Office Building, 1st Floor
GST Road, Tambaram,
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Chennai-600 045.

2.The District Collector
Kancheepuram District.

3.The Director
Social Defence Department
No.300, Purasawalkam High Road,
Kellys, Chennai-600 010.

4.The Secretary,
Social Welfare Department,
Chennai.

+1 cc to Mr.Shaikh Mehrunisa, Advocate, S.R.No.16672

+1 cc to the Government Pleader, S.R.No.16646

MRJK (CO)
SSM(26/02/2019).

W.P.No.2013 of 2018

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