



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 15134 of 2019

and

W.M.P. No. 15116 of 2019

BESSO Children's Home

Rep. by its Director - C.Sam Ganesh,
3/72-5, 6, Lakshminarasimma Nagar,
Denkanikotta Road,
Dinnur, Hosur - 635 109.

... Petitioner

-vs-

1. The Commissioner,
Department of Social Defence,
No. 300, Purasawalkam High Road,
Kellys, Chennai - 600 010.
2. The District Collector,
Krishnagiri District,
3. The District Child Protection Officer,
Krishnagiri District,
4. The Chairperson,
Child Welfare Committee,
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of proceedings of the First Respondent relating to the impugned order dated 07.05.2019 Proc. No. 7771/D1/2017, quash the same.

For Petitioner : Mr. R. Bharath Kumar
For Respondents : Mr. M. Karthikeyan,
Additional Government Pleader

ORDER

Heard Mr. R. Bharath Kumar, Learned Counsel for the Petitioner, Mr. M. Karthikeyan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.



2. The Petitioner, viz., Besso Children's Home, is a child care institution functioning in Hosur Block, Krishnagiri District, which was registered under the Juvenile Justice (Care and Protection of Children) Act, 2000, with registration no. 91/DSW/2014 for the period of five years from 02.12.2014 to 01.12.2019. After the Juvenile Justice (Care and Protection of Children) Act, 2000, was repealed and the Juvenile Justice (Care and protection of Children) Act, 2015, has come into force with effect from 15.01.2016, it was found by the authorities during the inspection of the premises of the Petitioner that certain deficiencies like poor standards of maintenance had not been addressed and an unhygienic situation was prevailing in the campus and the First Respondent by order Proc. No. 7771/D1/2017 dated 07.05.2019 held that despite opportunities granted, the Petitioner failed to rectify the same and cancelled the registration of the Petitioner. Aggrieved thereby, the Petitioner has filed this Writ Petition challenging the same.

3. As it was contended by the Learned Counsel for the Petitioner that the Petitioner was not heard before the impugned order of cancellation of registration was passed, the same was stayed by this Court at the time to admission with the condition that the Petitioner shall rectify the defects that have been pointed out in the impugned order. It has been submitted by way of periodical reports before this Court by the Respondents that the deficiencies, which had been pointed out, have been rectified in various stages and as on date, there has been substantial compliance, except with regard to obtaining separate licence under the Tamil Nadu Public Buildings (Licensing) Act, 1965, for the building in which the girls hostel is located. In this regard, Learned Counsel for the Petitioner submits that the earlier building licence produced was in respect of all the buildings in the campus and is not confined to a particular building alone. However, the fact remains that even the said building licence under the Tamil Nadu Public Buildings (Licensing) Act, 1965, would also comes to an end in the near future on 01.01.2020. Further, the registration of the Petitioner under the Juvenile Justice (Care and Protection of Children) Act, 2000, also expires shortly on 01.12.2019. As such, it is incumbent upon the Petitioner to make applications before the concerned authorities for licence under the Tamil Nadu Public Buildings (Licensing) Act, 1965, as well as for registration under the Juvenile Justice (Care and Protection of Children) Act, 2015, for its future functioning. Learned Counsel for the Petitioner submits that necessary applications before the concerned authorities would be made by the Petitioner immediately for the same.



4. While considering the aforesaid applications made by the Petitioner, the concerned authorities shall take note of the fact that rectification measures have been taken by the Petitioner in conformity with the relevant provisions as submitted by the Respondents in the reports filed in this Court, and such applications shall be processed expeditiously in accordance with law.

5. The Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Department of Social Defence,
No. 300, Purasawalkam High Road,
Kellys, Chennai - 600 010.
2. The District Collector,
Krishnagiri District,
3. The District Child Protection Officer,
Krishnagiri District,
4. The Chairperson,
Child Welfare Committee,
Krishnagiri District.

+1 cc to The Government Pleader Sr.Nos. 99411 and 99450

AKM/06.01.2020/3P-6C /

W.P. No. 15134 of 2019