



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2019

CORAM

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

W.P. No. 28934 of 2019

and

W.M.P.Nos. 28683 & 28684 of 2019

Nazeera

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary Social Welfare Department,
St. George Fort, Chennai.
2. The District Collector,
Collectorate, Chennai.
3. The District Social Welfare Officer,
Chennai Collector Office,
8th Floor, Singaravelar Building,
Rajaji Salai, Chennai - 600 001.
4. Niranjan Misra
5. Alice

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus, to call for the record of the Second Respondent Proc.Mu.Na.Ka.No.891/A4/2018 dated 18.09.2019 and quash the same direct the First and Second Respondents to accept the Petitioner's application Form-I, dated 13.03.2019 and give licence under the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014, for the Hostel located in at No. 63, Gandhi Salai, Kumaran Nagar, Shemmenchery within a stipulated period as may be fixed this Hon'ble Court.

For Petitioner : Ms. V.R.Vijaya

For Respondents: Mr. M. Karthikeyan (For R1 to R3)
Additional Government Pleader

Mr.G.Veerapathiran (For R4 & R5)



O R D E R

Heard Ms. V.R.Vijaya, Learned Counsel appearing for the Petitioner and Mr.M.Karthikeyan, Learned Additional Government Pleader appearing for the First to Third Respondents and Mr.G.Veerapathiran, Learned Counsel appearing for the Fourth and Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Since the Petitioner had not obtained requisite licence under Tamil Nadu Hostels and Home for Women and Children (Regulation) Act, 2014 (hereinafter referred to as 'the Act' for brevity) for the ladies hostel run by her at No. 63, Gandhi Salai, Kumaran Nagar, Shemmenchery, she was served with closure order No. 891/A4/2018 dated 18.09.2019 passed by the Second Respondent. The said order is challenged in this Writ Petition with a consequential direction to the First and Second Respondents to accept the Petitioner's application Form-I for grant of licence for running Hostel in the premises at No.63, Gandhi Salai, Kumaran Nagar, Shemmenchery.

3. The Division Bench of this Court in K. Kathiresan -vs- The State of Tamil Nadu (order dated 31.01.2019 in W.P. (MD). No. 494 of 2019), while dealing with a Writ Petition to enforce 'the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014', had passed the following order:-

"8. The District Collectors of the concerned Districts are directed to process all the applications and dispose of the same on merits and as per law, as expeditiously as possible and in any case on or before 28 February, 2019.

9. We make it clear that no hostel, lodging house or homes for women and children shall function across the State from 01 March, 2019 without the licence issued by the statutory authority under the provisions of the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014.

10. The District Collectors must ensure that the provisions of the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014, are complied with by the hostel owners in its letter and spirit."

In view of the aforesaid binding decision of this Court, it would not be possible to entertain the claim made in this Writ Petition.

4. That apart, the Fourth and Fifth Respondents who are landlords of the aforesaid premises have raised objections for grant of licence to the Petitioner for running hostel, as they



claimed that orders of eviction of the Petitioner from the premises have been passed and are now in the stage of execution. In that backdrop, Learned Counsel for the Petitioner during the earlier hearing on 05.11.2019 requested that the Petitioner and the past inmates of the hostel may be permitted to remove their articles and other movables, which was consented by the Fourth and Fifth Respondents. Accordingly, in furtherance to the orders passed by this Court, it is informed today that the Petitioner and the past inmates have removed their articles and other movables, which has been fully videographed and the Third Respondent has re-sealed the premises and has filed a report dated 07.11.2019 to that effect, which is placed on record. It is left open to the Fourth and Fifth Respondents to work out their remedies for taking possession of the property before the appropriate forum in the manner recognized by law.

5. The Writ Petition is dismissed with aforesaid observations. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

may a

To

1. The Secretary
Social Welfare Department,
St. George Fort, Chennai.
2. The District Collector,
Collectorate, Chennai.
3. The District Social Welfare Officer,
Chennai Collector Office,
8th Floor, Singaravelar Building,
Rajaji Salai, Chennai - 600 001.

+1 cc to Government Pleader Sr.No. 91978

W.P. No. 28934 of 2019

A.SK(16/12/2019)