

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.10.2019

CORAM

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30836 of 2019

and

W.M.P. Nos. 30915, 30916 and 30917 of 2019

The Management,  
Annai Therasa Women's Hostel,  
H 145-B, Kalashetra Colony,  
Beasant Nagar,  
Chennai-600090.

.. Petitioner

-vs-

1. The District Collector,  
Chennai District,  
Collectorate Building,  
Chennai-600001.

2. The Revenue Divisional Officer,  
South Chennai,  
Chennai.

3. The Tahsildar,  
Velachery Taluk,  
Chennai - 600042.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the first Respondent in proceedings No.891/A4/2018, dated 06.09.2019 to close the hostel run by the Petitioner and the consequential notice dated 23.10.2019 issued by the third Respondent and quash the same and direct the first Respondent to receive the application for grant of licence in respect of Petitioner's hostel, namely, Annai Theresa Women's Hostel and grant the same in accordance with law.

For Petitioner : Mr. S.Pushpakaran

For Respondents : Mr. M. Karthikeyan  
Additional Government Pleader

O R D E R

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

2. The Petitioner had not obtained requisite licence under Tamil Nadu Hostels and Home for Women and Children (Regulation) Act, 2014 (herein referred to as 'the Act' for brevity). The Petitioner was served with closure order No. 891/A4/2018 dated 06.09.2019 passed by the First Respondent and the Third Respondent had issued notice dated 23.10.2019 to vacate the inmates from the hostel by 31.10.2019, enabling him to close the hostel. The said orders are challenged in this Writ Petition with a consequential direction to the First Respondent to receive the application to grant of licence for running hostel in the name of 'Annai Therasa Women's Hostel'.

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. In that backdrop, the Learned Counsel for the Petitioner submits that the time limit granted by the Third Respondent on 23.10.2019 to the Petitioner to vacate the inmates from the premises by 31.10.2019 is inadequate having regard to Deepavali festival had fallen during that period, and an affidavit of undertaking dated 31.10.2019 has been filed by the Petitioner stating that 15 days time may be granted to the inmates to make

some alternative arrangements and vacate from the premises, which is placed on record.

5. It is made clear that if the inmates in the hostel of the Petitioner have not vacated and the hostel is not closed by 15.11.2019, the concerned authorities shall promptly take necessary action in accordance with law to prevent the premises from being used as 'hostel' without the requisite licence. This shall not, however, preclude the rights of the Petitioner, if she is otherwise eligible and satisfies the requirements prescribed for the same, to apply for all the requisite licences and certificates under the relevant enactments, but till the same are obtained in entirety, the premises cannot be used as 'hostel'.

6. The Writ Petition is dismissed with aforesaid observations. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-  
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

bkn/gsa

To

1. The District Collector,  
Chennai District,  
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2. The Revenue Divisional Officer,  
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+1cc to Mr.S.Pushpakaran, Advocate SR.No.90213

W.P.No.30836 of 2019

KS (CO)  
GMY (04/11/2019)