

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.11536/2020 & WMP.Nos.14106 & 14107/2020

Buds of Heaven
Special Home for Women,
rep.by its President Mrs.A.Sagaya Marry
W/o.Anthonysamy
No.7, 'B' Block,
Anthoniar Koil Street
Govinda Salai, Puducherry 605 001. ... Petitioner

Versus

- 1.Union of India rep.by
The Chief Secretary to Government
Government of Puducherry
Chief Secretariat, Puducherry 605 001.
- 2.The Secretary to Government [Welfare]
Chief Secretariat, Puducherry 605 001.
- 3.The Director,
Directorate of Social Welfare,
Puducherry.
- 4.The Chairman
Child Welfare Committee,
Puducherry Region, Ariyankuppam
Puducherry 605007. .. Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents 2 and 3 from cancelling the certificate of registration of the petitioner's Home namely Buds of Heaven Special Home for women, Puducherry.

For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.N.Mala, GP [Pondy]

ORDER

(1)This writ petition has been filed for the issue of a writ of mandamus forbearing the respondents 2 and 3 from cancelling the Certificate of Registration of the petitioner Institution.

(2) Heard the learned counsel for the petitioner and Mrs.N.Mala, learned Government Pleader [Pondy] accepting notice on behalf of the respondents.

(3) This Court has already passed an order in WP.No.9462 of 2020 dated 17.04.2020. The relevant portions in the order is extracted hereunder:-

'14 Therefore, following order is passed by consent:

(a) Impugned order being order dated 06.04.2020 bearing reference No.9524 / DWCD / UTPCPS / Proceedings / CCIs / 2020-21 made by third respondent is set aside solely on the ground of principles of natural justice not being followed.

(b) It follows automatically that this Court has not expressed any opinion / view one way or the other on the merits of the matter.

(c) Owing to the prevailing unusual, unexpected and unprecedented situation [Covid 19 situation] caused by a pandemic, it would be appropriate to direct third respondent to issue notice to writ petitioner, call for writ petitioner's version, thereby give a reasonable opportunity to writ petitioner and pass orders after taking into account writ petitioner's version, within one month from the date of complete lifting of present lock down by Government of Puducherry.

(d) Learned State counsel on instructions submitted that inmates of girls home have already been moved to another home run by a 'Non Governmental Organization' [NGO] 'Udavi Karangal Girls Home' located at T.N.Palayam, Puducherry. It is submitted that this Home is recognized by Government of Puducherry. Therefore, the girl children will continue to be in this home, i.e, Udavi Karangal Girls Home located at T.N.Palayam, Puducherry, to which they have been shifted till a decision is taken in the aforesaid manner. Though obvious, it is made clear that whether they continue to be there will obviously depend on outcome and finality of this exercise.

(e) Respondents shall ensure that children are safe and secure in accordance with the salutary principles and sublime philosophy underlying JJ Act.

(f) Learned State counsel on instructions very fairly submitted that inmates in the boys

home run by writ petitioner continue to be in writ petitioner's home, i.e, Santhosha Nanban Home for Boys, functioning at No.74/2, Near Pondy Pipe Company, Olavaikkal, Villianur. Boys will continue to be in writ petitioner's home till a decision is taken. Though obvious, it is made clear that whether they continue to be there will obviously depend on outcome and finality of this exercise.

(h)Writ Petitioner also shall ensure adherence to salutary principles and sublime philosophy underlying JJ Act and respondents shall extend all necessary cooperation [without taking any adversarial position] owing to the prevailing Covid 19 situation.

(i)Order to be passed by third respondent in the aforesaid manner within aforesaid time frame shall be duly communicated to the writ petitioner under proper and due acknowledgment within 5 [five] working days from the date of the order.'

(4)The learned Government Pleader [Pondy] submitted that pursuant to the orders passed by this Court, the enquiry is in progress and whatever complaints are received against the petitioner, the same are also being enquired and therefore, the petitioner even while participating in the enquiry, has rushed before this Court and has sought for the relief merely based on apprehensions.

(5)This Court has carefully considered the earlier order passed by this Court dated 17.04.2020 in WP.No.9462 of 2020.

(6)This Court had issued clear directions to the respondents and therefore, the present writ petition cannot be entertained merely based on apprehensions. The 3rd respondent is directed to strictly comply with the earlier directions given by this Court and pass final orders within a period of six weeks from the date of receipt of a copy of this order.

(7)The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To

1.The Chief Secretary to Government
Union of India
Government of Puducherry
Chief Secretariat, Puducherry 605 001.

2.The Secretary to Government [Welfare]
Chief Secretariat, Puducherry 605 001.

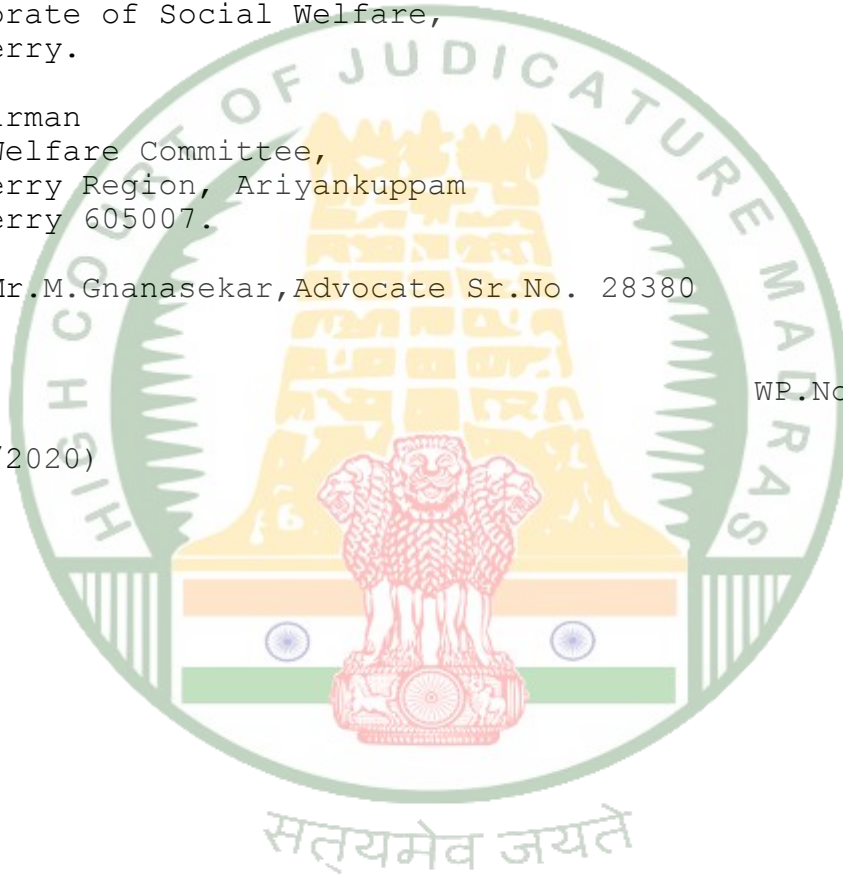
3.The Director,
Directorate of Social Welfare,
Puducherry.

4.The Chairman
Child Welfare Committee,
Puducherry Region, Ariyankuppam
Puducherry 605007.

+1 cc to Mr.M.Gnanasekar, Advocate Sr.No. 28380

NRL (CO)
RMP (14/09/2020)

WP.No.11536/2020



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