

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO: 12058 OF 2020

Between:

Foundation For Orientation Cooperative Union Society registered no.6040/1997, registered under The A.P. (Telangana Area) Public Societies Registration Act, 1350 F, represented by its President Dr. Koppula Krishna, H.No.12-13-300, Street No.9, Lane no.1, Tarnaka, Secunderabad -500 017

...PETITIONER

AND

1. The State of Telangana, rep. by its Secretary, Department for Disabled and Senior Citizens, Government of Telangana, Secretariat, Hyderabad -500 022.
2. The Director, Department for Welfare of Disabled and Senior Citizens, Government of Telangana, Secretariat, Hyderabad -500 022.
3. The Assistant Director, Department for Welfare of Disabled and Senior Citizens, Government of Telangana, Manoranjan Complex, Block IV, M.J.Road, Near Exhibition Grounds, Hyderabad -500 001.
4. The District Welfare Officer, Department for Women, Children, Disabled and Senior Citizens, Hyderabad District, Government of Telangana, rep. by Supervisor, I.C.D.S, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of Assistant Director/third respondent in not restoring to the old age home run by the petitioner all those 15 inmates whom she had taken away there from till the application seeking registration certification dated 03/03/2020 submitted to third respondent is considered on merits and in the event of its rejection until the petitioner exhausts the statutory remedy of appeal as arbitrary, illegal and against the principles of natural justice and consequently direct the respondents to restore the old age home run by the petitioner all those 15 inmates whom she had taken away there from till the application seeking registration certification dated 03/03/2020 submitted to third respondent is considered on merits

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Assistant Director/third respondent to restore to the old age home run by the

petitioner all those 15 inmates whom she had taken away there from till the application seeking registration certification dated 03/03/2020 submitted to third respondent is considered on merits and in the event of its rejection until the petitioner exhausts the statutory remedy of appeal, pending disposal of the above writ petition

Counsel for the Petitioner: SRI P. BHAVANA RAO

Counsel for Respondents: AGP FOR SERVICES – II

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.12058 of 2020

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India for issue of a Writ of Mandamus to declare the action of 3rd respondent authority in not restoring the Old Age Home run by the petitioner with 15 inmates to whom the said authority had taken away therefrom and to restore the said persons to the petitioner till such time the application submitted by the petitioner on 03.03.2020 seeking registration is considered on merits and in the event of its rejection until the petitioner exhausts the statutory remedy of appeal, as being arbitrary, illegal and against the principles of natural justice, with a consequential direction to the respondents to restore the Old Age Home run by the petitioner along with 15 inmates who have been taken away.

2. The above case is taken up for hearing today i.e., 17.08.2020, through Video Conferencing.

3. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Services-II appearing for respondent Nos.1 to 4.

4. The learned counsel for the petitioner while reiterating the writ averments submits that the petitioner has filed an application seeking registration for the Old Age Home run by the petitioner society on 03.03.2020 and the said application is neither approved nor rejected by the 3rd respondent authority till date. While the said application is pending consideration, the 3rd respondent authority along with police authorities visited the premises of the petitioner society on 23.06.2020 where the old age home was being

run and took away the inmates who were residing in the above old age home run by the petitioner without disclosing the details as to where the said persons are being taken or kept and of their wellbeing.

5. The learned counsel for the petitioner would further submit that if the authorities had taken any action based on the explanation given by the petitioner on 22.06.2020 in response to the show cause notice issued by the authority, the said authority is duty bound to communicate the decision taken, to enable the petitioner to approach the appropriate forum for availing statutory remedies provided in law.

6. The learned Assistant Government Pleader for Services-II appearing for respondent Nos.1 to 4 submits that the application submitted by the petitioner seeking registration to run Old Age Home, was rejected by the authorities on 23.06.2020. Learned Assistant Government Pleader would submit that the reason for rejecting the application of the petitioner is on the ground that the required facilities and services stipulated under Rule 19 (3) of the Maintenance of Welfare of Parents and Senior Citizen Act, 2007 and Rules 2011 framed thereunder, were not existing. However, the learned AGP is unable to say as to when the said order has been communicated to the petitioner.

7. In so far as the inmates living with the petitioner as on the date of visit by the 3rd respondent authority and being taken away without being informed of their whereabouts to enable the petitioner to inform their wards, it is stated by the learned Assistant Government Pleader that out of 15 inmates, who were found in the petitioner premises on 23.06.2020, two of such

inmates have been handed over to the Wards of the said Senior Citizens. In so far as balance 13 inmates are concerned, 8 of them have been put up in Mahima Ministries Old Age Home situated at Amcenpur, Sangareddy District, 3 of them have been put up in Mahima Ministries Old Age Home, Vikarabad and the other 2 inmates have been put up at Adarsha Old Age Home, Balanagar.

8. The learned AGP for Services-II would further submit that since, the petitioner was running an unregistered Old Age Home and without proper facilities, the inmates have been shifted to the above said respective Old Age Homes where they have been put up. The learned AGP would submit that if any of the wards of the above senior citizens approach the 3rd respondent authority to find out about their family members, the authorities would provide necessary information. Learned Assistant Government Pleader would submit that all the senior citizens are being looked after well at the respective old age homes, where they are presently put up.

9. In so far as the communication of the impugned order passed by the 3rd respondent authority rejecting the application of the petitioner seeking registration for running the Old Age Home is concerned, the learned AGP for Services-II would submit that the above rejection order would be communicated to the petitioner within two weeks hereof, if not already communicated, so that the petitioner can avail remedies provided under the Act and Rules.

10. Having regard to the submissions made as above, considering the fact that the application of the petitioner seeking registration to run an old age home stands rejected, it is open for the petitioner to approach the appropriate forum to avail remedies in accordance with law. However, it is made clear that the 3rd

respondent shall communicate the rejection order dated 23.06.2020 to the petitioner at the address given, if already not communicated, within two weeks hereof.

11. Subject to the above observation, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed in the light of this final order.

//TRUE COPY//

SD/-K.MURALI
ASSISTANT REGISTRAR

Ch. Ch.
SECTION OFFICER

To,

1. The Assistant Director, Department for Welfare of Disabled and Senior Citizens, Government of Telangana, Manoranjan Complex, Block IV, M.J.Road, Near Exhibition Grounds, Hyderabad -500 001.
2. One CC to Sri P Bhavana Rao Advocate [OPUC]
3. Two CCs to GP for Services-II, High Court for the State of Telangana (OUT)
4. Two CD Copies

MBC

V. S.

HIGH COURT
DATED: 17/08/2020



ORDER
WP.No.12058 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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