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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-09-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.12233 of 2015

And

MP Nos.1 and 2 of 2015

The Destitute Charitable Trust,
Represented by its Managing Trustee,
P.Russel Raj, S/o.D.Ponnupillai,
No.25, 6th Cross Street,
Jaiwand Puram,
Madambakkam,
Chennai - 600 126.

...Petitioner

vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The District Social Welfare Officer,
Kancheepuram District,
Kancheepuram.

3. The Chairman,
Child Welfare Committee,
Chengalpattu - 603 002.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to issue orders appointing the petitioner as fit person for the 10 children including child R.Jessica by complying the direction of the second respondent in letter dated 18.02.2015 within a specified period.

For Petitioner : Mr.G.Justin

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate.

O R D E R

The relief sought for in the present writ petition is to direct the third respondent to issue orders,



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years without getting prior permission. But it is pertinent to inform the Honourable High Court of Judicature at Madras that the District Social Welfare Officer, Kancheepuram and the Child Welfare Committee after receiving the telephonic message raided the premises at No.40, Bethel Hme, Jaiwanthpuram, Madampakkam occupied by Simsone, 78 years and Kanagajoy, 60 years, the father-in-law and mother-in-law of P.Russel Raj on 20.06.2015 at 6 P.M., and rescued 3 girl children namely Siny, Jenithal and Siniya (all below the age of 3) and on 23.06.2015 another girl child named Princy aged about 2-1/4 was rescued with the help of Selaiyur Police and all the above 4 children have been sent to Christ Faith Home, a Licensed Adoption Agency at Manapakkam, Chennai. A First Information Report has been filed in Selaiyur Police Station against P.Russel Raj, his wife Jayakumari and his in-laws on 24.06.2015 under Sections 341, 363, 3618, r/w Section 34 of IPC and later arrested on 07.07.2015. All these 4 girl children along with the other 10 children from the Destitute Charitable Trust Children Home have been either procured or have been trafficked from the various parts of the Tamil Nadu State and kept in illegal custody by the petitioner who lacks the locus standi to question the respondents.

This clearly depicts that the petitioner and his family members are involved in procuring children especially girls only for their personal benefits. The petitioner is indulged in such fraudulent practices and is running the children home in violation of all the relevant Sections of Juvenile Justice (Care and Protection of Children) Act, 2000, as amended in 2006, the rules therein and the Integrated Child Protection Scheme Norms."

7. In view of the fact that a criminal case was registered against the petitioner-Trust and the Authorities Competent found that the Trust is not carrying on its activities in a legal manner, the question of considering the relief, as such, sought for in the present writ petition would not arise at all.



8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The District Social Welfare Officer,
Kancheepuram District,
Kancheepuram.
3. The Chairman,
Child Welfare Committee,
Chengalpattu - 603 002.

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NSK 26/10/2021