



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.9176 of 2021

WEB COPY

Russ Foundation

(Registered Society in Regn.No.210/1992)

No.20, West Main Road

Doak Nagar Extension

Madurai-16,

Represented by its Secretary,

Mr.Berlin Jose

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The District Child Protection Officer
District Child Protection Unit
Plot N.91 and 94 Door No.3
Ashok Nagar 3rd Street,
AnjalNagar, Koodal Nagar,
Madurai-625018.

3.The Tahsildar,
Madurai North Taluk,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to lift the seals from the two buildings of the petitioner's society within stipulated time by considering the representation of the petitioner 15.03.2021.

For Petitioner : Mr.T.A.Ebenezeer

For R1 to R3 : Mr.P.Thilak Kumar,
Standing Counsel for Government

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents to lift the seal from the two buildings of the



petitioner's society by considering the representation of the petitioner 15.03.2021.

4. According to the petitioner, the petitioner Society conducted social service for more than 28 years. Enmity over the Child Welfare Committee Posts and RTI Applications, the Secretary and Manager of the Society were implicated in the criminal case on the complaint of the mother of one child from the Home on 22.10.2019 in Cr.No.169 of 2019 on the file of the M.Chathirapatti Police Station under POCSO Act. Subsequently, the secretary was arrested and remanded to judicial custody. He was in prison for more than 11 months. During the days of incarceration, two buildings were sealed by the respondents without passing any orders. The secretary of the society was released on bail on 04.09.2020. In this regard, the petitioner sent representation to the first respondent to lift the seals from the buildings. Since the petitioner's representation was not considered so far, the present writ petition has been filed.

5. The learned counsel for the petitioner would state that it would suffice if a direction is given to dispose of the representation of the petitioner.

6. The learned standing counsel for the respondents would state that the representation of the petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in the representation or in this Writ Petition, the respondents are directed to consider the representation of the petitioner dated 15.03.2021, on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order

8. With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The District Collector,
Madurai District.

2.The District Child Protection Officer
District Child Protection Unit
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Koodal Nagar,
Madurai-625018.

3.The Tahsildar,
Madurai North Taluk,
Madurai District.

+1 CC to MR.T.A.EBENEZER, Advocate (SR-18721[F] dated 03/06/2021)

+1 CC to SPL GP (SR-18835[F] dated 04/06/2021)

W.P (MD) No.9176 of 2021
03.06.2021

KM(15.06.2021) 3P 6C