



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.18663 of 2021

and

W.M.P. (MD)Nos.15372 and 15374 of 2021

WEB COPY

Dr.Award-Thaai Girl Children Home,
represented by the Chairwoman,
A.Kalaimagal,Murungaipatti Raod, Kudumiyanmalai post 622 104,
Illupur Taluk
Pudukottai District. ... Petitioner

vs.

1.The Commissioner of Social Defence,
No.300, Purasawalkam High Road,
Kellys, Chennai- 600 010.

2.The District Collector,
Pudukottia District, Pudukottai.

3.The District Child Protection Officer,
District Child Protection Unit,
Ex-Serviceman Campus,
Kalyanaramapuram 1st Street,
Pudukottai, Pudukottai District.

... Respondents

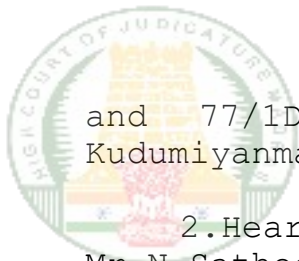
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the second respondent in Na.Ka.No.1062/A1/DCPU/PDK/2021, dated 28.09.2021 and consequential impugned order passed by the third respondent in Na.Ka.No.1062/A1/DCPU/PDK/2021, dated 29.09.2021 and quash the same as illegal and consequently, to direct the respondents No.2 and 3 to remove the Lock and Seal put up in the premises at Dr.Award-Thaai Girl Children Home at S.No.77/1B, 77/1C and 77/1D, Marungipatti Road, near Government High School, Kudumiyanmalai Post-622 104, Iluppur Taluk, Pudukottai District within the time stipulated by this Court.

For Petitioner :Mr.J.Lawrance

For Respondents :Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the orders, dated 28.09.2021 and 29.09.2021 passed by the second and third respondents, respectively, and for a consequential direction to the respondents 2 and 3 to remove the lock and seal put up in the premises at Dr.Award-Thaai Girl Children Home at S.No.77/1B, 77/1C



and 77/1D, Marungipatti Road, near Government High School, Kudumiyamalai Post-622 104, Iluppur Taluk, Pudukottai District.

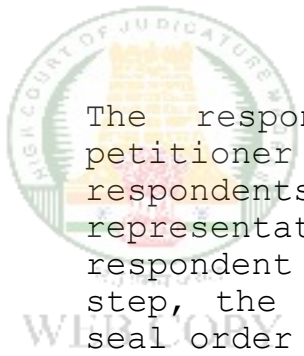
2. Heard Mr.J.Lawrance, learned Counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents.

3. Among other objects of the Trust, which governs the petitioner, is that the petitioner is also involved with running a Children's Home. Violations were deducted. During inspection, it was found that children were used for activities, other than what they were permitted to do so. It was also found that after notice was issued closing down the home, the children were still found in the home. After all these violations, the respondents took a decision to lock and seal the petitioner premises. This necessitated filing of the present Writ Petition.

4. It is the contention of Mr.J.Lawrance, learned Counsel for the petitioner that the petitioner shall not and has no intention of running any activity concerning children either in the nature of home for children or in the nature of providing shelter for children. Therefore, it is contended that the lock and seal order may be lifted. It is also stated that granting permission to run a children home had been cancelled by the respondents and discharge certificate had also been given and the petitioner had no intention to question that particular cancellation order. It had also been stated that the children had been handed over to the respective parents/guardians/wards and it is also stated that permanent discharge memo had also been filed. In short, the petitioner has come forward to the Court claiming that the lock and seal order should be lifted on the ground that the petitioner shall not, in future, run any home concerning children.

5. In view of all these facts, even though violations had been found against the petitioner home and against which the respondents have proceeded with, the petitioner is still given the liberty of giving a representation to the respondents indicating that they will not have anything to do with children either in the nature of running a home for protection of children or shelter for children or of any other nature. When such representation is given, the respondents may consider the same and if the petitioner further undertakes to give the list of activities which they will actually do, the respondents may consider such representation and pass necessary orders within a period of eight weeks from the date on which the petitioner gives such representation.

6. While considering the representation, the respondents may not keep in mind the fact of violations committed by the petitioner while running Children home, since they had categorically stated that they will not run Children home in future. An affidavit to



The respondents may examine the other activities which the petitioner proposes to run and if they are lawful in nature, the respondents may take a considered decision on the same. The representation by the petitioner may be given to the second respondent and on receipt of such representation, as a preliminary step, the second respondent may also consider lifting the lock and seal order pending consideration of the representation,

7. With the said observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Commissioner of Social Defence,
No.300, Purasawalkam High Road,
Kellys, Chennai- 600 010.

2. The District Collector,
Pudukottia District, Pudukottai.

3. The District Child Protection Officer,
District Child Protection Unit,
Ex-Serviceman Campus,
Kalyanaramapuram 1st Street,
Pudukottai, Pudukottai District.

+1 CC to M/s.SPL GP (SR-38618[F] dated 14/12/2021)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-38527[F] dated 14/12/2021)

W.P. (MD) No.18663 of 2021
13.12.2021

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