



WEB COPY



W.P.No.22335 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.22335 of 2014

and

M.P.No.2 of 2014 & W.M.P.No.3237 of 2018

Michael Job Orphanage for Girl Children,
Represented by its Managing Trustee,
Near Sulur Boat Lake,
Ravathur Post Office,
Irugur (Via), Coimbatore - 641 103.

... Petitioner

Vs

- 1.The Secretary to Government,
Social Welfare and Nutritious
Meal Program Department,
Secretariat, Chennai - 9.
- 2.The Director of Social Welfare,
Chepauk, Chennai - 5.
- 3.The District Collector,
Coimbatore.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order dated 07.08.2014 in Letter No.15949/SW.5(1)/2011-20 and for the order



W.P.No.22335 of 2014

dated 19.09.2011 in Proc.Roc.No.37203/CW-2/2011 on the file of the second respondent and to quash the same.

For Petitioner : Mr.D.Benning Ton
For Respondents : Mr.P.Ganesan
Government Advocate

ORDER

This Writ Petition has been filed for a writ of certiorari, to call for the records relating to the impugned order dated 07.08.2014 in Letter No.15949/SW.5(1)/2011-20 and for the order dated 19.09.2011 in Proc.Roc.No.37203/CW-2/2011 on the file of the second respondent and to quash the same.

2. Though the learned counsel for the petitioner submits that he would like to get further instructions as to whether the petitioner is interested in pursuing with the remedy, it is noticed that the Certificate of Registration granted to the petitioner has expired long back as the period of the Certificate of Registration was valid between 01.04.2011 to 31.03.2014.



W.P.No.22335 of 2014

WEB COPY 3. The impugned order dated 07.08.2014 passed by the first respondent

reads as under:-

"I am directed to invite your attention to the references cited. In the reference first cited it has been stated that the institution viz., Michael Job Orphanage, Coimbatore District has violated the conditions stipulated in the registration given under proceedings No.1041/CW2/2010, dated 18.04.2011, the 3 years registration No.352/DSW/2011 given under section 34(3) of Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 was withdrawn by the Director of Social Welfare.

2. In the reference second cited, you have made an appeal against the proceedings of the Director of Social Welfare in the reference first cited to the Government.

3. The Government after careful consideration and independent examination of the appeal along with the records, statements available with the department and enquiry with the appellant, reject the appeal, since it has no strong reason to interfere with the orders of the Director of Social Welfare."

4. The petitioner's registration was cancelled by the second respondent the Director of Social Welfare for the alleged violations of conditions stipulated in the Registration given under Proceedings No.1041/CW2/2010 dated 18.04.2011 for a period of three years registration in Reg.No.352/DSW/2011 under Section 34(3) of the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006. The petitioner has preferred an appeal before



W.P.No.22335 of 2014

the first respondent against the said order.

WEB COPY

5. A reading of the above order indicates that the order is a non-speaking order and has no reasonings whatsoever to sustain the same. As such, the order passed by the first respondent is liable to be quashed. The petitioner's Certificate of Registration was only for a period of three years and expired on 31.03.2014.

6. Considering the same, while quashing the impugned order of the first respondent dated 07.08.2014 bearing Letter No.15949/SW.5(1)/2011-20 suspending the order of the second respondent dated 19.09.2011 bearing Ref.Proc.Roc.No.37203/CW-2/2011, liberty is given to the petitioner to apply for a fresh registration for a fresh period in accordance with the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 and the rules made thereunder. While considering the same, the respondents shall pass a fresh order on merits and in accordance with law uninfluenced by the impugned order which stands quashed by this order.

7. This Writ Petition is partly allowed in terms of the above observations.



W.P.No.22335 of 2014

No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

11.10.2022

Index: Yes/ No
Speaking/Non-Speaking Order

arb

To

- 1.The Secretary to Government,
Social Welfare and Nutritious
Meal Program Department,
Secretariat, Chennai - 9.
- 2.The Director of Social Welfare,
Chepauk, Chennai - 5.
- 3.The District Collector,
Coimbatore.

C.SARAVANAN, J.

arb



WEB COPY



W.P.No.22335 of 2014

W.P.No.22335 of 2014
and
M.P.No.2 of 2014 & W.M.P.No.3237 of 2018

11.10.2022