



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P. [MD]No.711 of 2022

Fr.Dr.Norbert Thomas,
Managing Trustee,
Hermine's Home for the Destitute,
Rosmiapuram,
Panagudy,
Tirunelveli District.

... Petitioner

/Vs./

1.The District Collector,
Tirunelveli District,
Tirunelveli.

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

3.The Inspector of Police,
Panangudi Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to handover the keys of Hermine's Home for the Destitute Home now under the custody of the third respondent to the petitioner based on the representation of the petitioner dated 23.12.2021.

For Petitioner : Mr.Aayiram K.Selvakumar

For Respondents : Mr.D.Sasikumar

Additional Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus, seeking for a direction to the respondents to hand over the keys of Hermine's Home for the Destitute Home now under the custody of the third respondent to the petitioner, based on the representation of the petitioner dated 23.12.2021.

2.According to the petitioner, they were running the aforementioned Destitute Home. It is their case that during the inspection made by the second respondent and the Child Welfare Officer, an employee of the petitioner misbehaved and FIR has been registered against her. According to the petitioner, they have no role to play with regard to the said misbehaviour.



3.It is also the case of the petitioner that thereafter, inmates in the Destitute Home were shifted to the Government homes by the second respondent. As of now, there are no inmates in the petitioner's Destitute Home. The petitioner has given a representation on 23.12.2021 seeking for returning the keys of the petitioner's premises, which is now under the custody of the third respondent, pursuant to the sealing of the premises by the third respondent on 01.10.2021. Since the said representation has not been considered till date, he has filed this writ petition.

4.Heard Mr.Aayiram K.Selvakumar, learned Counsel for the writ petitioner, Mr.D.Sasikumar, learned Additional Government Pleader, appearing for the respondents.

5.The petitioner pleads innocence with regard to the FIR lodged against an employee of the petitioner by the second respondent based on the complaint lodged. According to the petitioner, they are no way responsible for the misbehaviour of their employee and they are law abiding citizens. The premises of the petitioner was sealed on 01.10.2021 by the second respondent and the keys of the premises are now under the custody of the third respondent. The petitioner has given a representation dated 23.12.2021 to the respondents requesting them to handover the keys of the premises back to the petitioner, as according to the petitioner, they are innocent. Further, the inmates of the petitioner's home for Destitute have already been shifted to Government Homes by the second respondent.

6.No prejudice would be caused to the respondents, if the petitioner's application dated 23.12.2021 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

7.Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 23.12.2021 requesting the first respondent to return the keys of the Destitute Home at Rosmiapuram, Panagudy, Tirunelveli District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of two (2) weeks from the date of receipt of a copy of this order.

8.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



NOTE: 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,
Tirunelveli District,
Tirunelveli.
- 2.The District Social Welfare Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Inspector of Police,
Panangudi Police Station,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-7758[F] dated 22/02/2022)

W.P.[MD]No.711 of 2022
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MGJ(04.03.2022) 3P 5C