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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **10.01.2023**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 896 of 2023

And

W.M.P.No.871 of 2023

Anantha Ashram Children's Home
Rep. by its Director
S.Livingston
Denkanikotta Road,
Mathigiri, Hosur,
Krishnagiri District – 635 110.

... Petitioner

..Vs..

1. The Director of Social Defense
No.300, Purasaiwalkam High Road
Kellys, Chennai – 600 010.
2. The District Children Protection Officer
No.9, DRDA Commercial Complex
Krishnagiri District – 635 002.
3. The Chairman
Child Welfare Committee
No.9, DRDA Commercial Complex,
Krishnagiri District – 635 002.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the 1st and 2nd respondents to consider the proposal for renewal of registration certificate submitted by the petitioner on 14.02.2022 in following with



the registration Certificate No.15465/D1/2016 dated 20.01.2017, pertaining Anantha Ashram Children's Home situated at HCF Post, Denkanikotta Road, Mathigiri, Hosur, Krishnagiri District – 635 110.

For Petitioner	:: Mr. R.Lakshmi Narasimhan
For RR 1 & 2	:: M/s. M.Geetha Thamaraiselvan Special Government Pleader

ORDER

Permission had been obtained to move the matter as a Lunch Motion.

2. It was stated that an application seeking renewal of license to run the petitioner's Institution had been applied. Without passing any orders, a letter had been issued to the address of the petitioner directing that five children, namely, two young girls and three young boys should be surrendered back to the Child Welfare Committee at Krishnagiri. Taking umbrage of such notice being issued, the present Writ Petition has been filed and moved as Lunch Motion.

3. Heard.



4. It is unfortunate that the petitioner had not given proper instructions to the learned counsel. The petitioner had only given instructions that there was no renewal of license which was originally issued in the year 2017 for a period of five years and that after it had expired, the petitioner had applied for renewal of license. The learned counsel therefore stated that since no reasons had been given, calling upon the petitioner to surrender the five children is uncalled for and should be interfered by this Court.

5. The learned Special Government Pleader however represented that a criminal case has been registered against John Sara under Sections 7 & 8 of the POCSO Act, 2012 which had been registered as FIR in Crime No. 22 of 2021 by the All Woman Police Station at Hosur, on a specific complaint given by the named complainant in the FIR.

6. In view of that particular fact, it is only appropriate that the children are immediately surrendered. If the petitioner does not surrender the children, the first respondent may direct the second respondent / the District Children Protection Officer, Krishnagiri, to immediately go over to the premises of the petitioner herein and take control of the five children, namely, the three girl children and the two boy children, and ensure that no further harm either physically or in any other way are committed against them.



7. The second respondent should take custody and file a report before the District Collector at Krishnagiri and also to the first and second respondents herein. If the petitioner does not voluntarily surrender the children by tomorrow ie., on 11.01.2023 by 12 o' clock in the afternoon, the aforementioned steps are to be taken by the second respondent.

8. With the above direction, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

10.01.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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C.V.KARTHIKEYAN, J.,

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