



WEB COPY



W.P. No.9343 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.9343 of 2020

and

W.M.P. Nos.11427, 11428 and 18049 of 2020

Santhosha Nanban Home for girls,
Rep. By its Superintendent
Dorothy Marry

... Petitioner

VS.

1. Union of India, Rep. By
The Chief Secretary to Government,
Government of Puducherry,
Chief Secretariat,
Puducherry – 605 001.

2. The Secretary to Government (Welfare),
Chief Secretariat,
Puducherry – 605 001.

3. The Director,
Directorate of Social Welfare,
Puducherry.

4. The Chairman,
Child Welfare Committee,
Puducherry Region,
Ariyankuppam,
Puducherry – 605 007.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order of the 3rd respondent dated 02.07.2020 made in No.9524(3)/PWCD/UTPCPS/Show Cause Notice/CCIs/2020-21 and to quash the same and consequently restraining the respondents 1 to 4 from interfering with the functioning of the petitioner's home viz., Santhosha Nanban Home for Girls functioning at No.48, Car Street, Koodapakkam Villiyanur, Puducherry 605 110.

For petitioner : Ms. R. Kalaiyarasi
For respondents : Mr. K. Sreedharan,
Addl. Govt. Pleader

ORDER

This writ petition is filed to quash the order of the 3rd respondent dated 02.07.2020 and consequently restraining the respondents 1 to 4 from interfering with the functioning of the petitioner's home viz., Santhosha Nanban Home for Girls functioning at No.48, Car Street, Koodapakkam Villiyanur, Puducherry 605 110.

2. The petitioner institution is running a Home for Girls, by taking care of the Street children, abandoned children and deserted children. The said institution is a registered one and a certificate to that effect has been issued by the 3rd respondent under Section 41 of the Juvenile Justice Act, 2015 with effect from 03.06.2018. While so, the 3rd respondent has



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issued a closure order of the petitioner institution, vide Proceedings dated 06.04.2020, with immediate effect. Aggrieved over the said order, earlier, they preferred a writ petition viz., W.P. No.7462 of 2020 and on 17.04.2020, this Court disposed of the same, by setting aside the closure order of the Home issued by the 3rd respondent as well directed them to afford reasonable opportunity to the petitioner to put forth their case. Pursuant to the aforesaid orders, the 3rd respondent has issued show cause notice on 02.07.2020. Thereafter, on 05.07.2020, the petitioner has sent a communication through his counsel stating their objections and sought for cancellation of the said show cause notice, which is impugned herein. Since the Communication, dated 05.07.2020 has not been responded by the respondents, this writ petition has been filed with the aforesaid prayer.

3. The learned counsel for the petitioner submitted that while the respondents conducted inspection they found some deficiencies and in such circumstances, they issued the closure notice. Subsequent to issuance of directions by this Court on 17.04.2020 in W.P. No.7462 of 2020, the said closure notice, dated 06.04.2020 was set aside. Further, he submitted that on 05.07.2020, the petitioner has submitted his objections before the respondents, whereas the same is yet to be



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considered. In such view of the matter, this Court may issue appropriate directions to the respondents to consider the objections, dated 05.07.2020 and thereafter may pass orders, within a prescribed time limit.

4. Replying to the contention raised by the petitioner, learned Additional Government Pleader vehemently argued that based on complaints received by the respondents, they conducted an inspection at the premises of the petitioner-institution and accordingly, closure notice was issued by them due to some deficiencies. He further submitted that as per the directions of this Court, opportunity was provided to the petitioner. As such, no interference is warranted at this stage and this Court may dismiss the instant writ petition.

5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. Though very many contentions and counter contentions have been advanced by either side, keeping in mind that the show cause notice cannot be interfered with at the threshold, but in view of the limited relief sought for by the petitioner, this Court disposes of this writ petition by directing the 3rd respondent to pass orders on merits and in accordance after considering the objections filed by the petitioner and also affording



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an opportunity of personal hearing, within a period of six weeks from the date of receipt of a copy of this order. Liberty is granted to the petitioner to file fresh objections, if any.

7. With the aforesaid directions, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

02.06.2023

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To

1. The Chief Secretary to Government,
Union of India,
Government of Puducherry,
Chief Secretariat,
Puducherry – 605 001.

2. The Secretary to Government (Welfare),
Chief Secretariat,
Puducherry – 605 001.



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3. The Director,
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