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W.P. No.18127 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.18127 of 2018 and
W.M.P.No.21411 of 2018

Tamil Nadu Social Welfare Association,
Rep. by its Secretary – Mr.N.Sundaramurthy,
TANSOWA Aatharavullam,
No.43, Razack Gardent Main Road,
Arumbakkam, Chennai – 600 106.

... Petitioner

Vs.

1. The District Collector,
Collectorate Building,
Singaravelar Maligai, Chennai – 600 001.
2. The District Social Welfare Officer,
Collectorate Building,
Singaravelar Maligai, 8th Floor,
Chennai – 600 001.
3. The Director of Social Welfare,
Panagal Maligai,
Chennai – 600 015.
4. The Assistant District Officer,
District Officer (F.A.C),
Fire & Rescue Service Department,
Chennai Central District,
Kilpauk, Chennai – 600 010.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Certiorari calling for the records pertaining to the



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impugned order in Na.Ka.No.164/A4/2018 issued by the District Social Welfare Officer dated 04.07.2018 and quash the same.

For Petitioner : Mr.S.Ezhil Raj

For Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader

ORDER

This writ petition is filed seeking for issuance of a writ of Certiorari to quash the impugned order dated 04.07.2018 passed by the second respondent.

2. Challenging the order dated 04.07.2018 passed by the District Social Welfare Officer, directing the petitioner to close the home run by it, the petitioner is before this Court.

3. Heard learned counsel appearing on either side and perused the materials placed on record.

4. The petitioner is the Tamil Nadu Social Welfare Association which is running a home for aged, orphaned Children, destitute, physically



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challenged and visually challenged at Arumbakkam, Chennai. It has applied for licence to run the home. However, temporary licence have been given which is valid up to six months and was extended till 2016. There afterwards, the home was not granted any licence. On account of dispute between owner of the premises and the association, the association has filed civil suits in O.S.Nos,1020 and 1874 of 2018 for the damages and permanent injunction respectively. In the mean time the owner of the premises insisted the petitioner to vacate the premises.

5. It is seen that the premises of the association home has been inspected by the District Social Welfare Officer on 26.06.2018 and it was found that the said home was running without any licence and asked the home to run the same after getting necessary licence, failing which legal action will be taken to close the same. The petitioner being a social welfare association has to take all necessary and effective steps to obtain licence to run the home. Without getting licence, the petitioner could not run the home which is lawfully impermissible. Therefore, the impugned order passed by the second respondent needs no interference of this Court and is liable to be dismissed.



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6. In view of the above, this Court is not inclined to pass any affirmative direction in favour of the petitioner. However, liberty is granted to the petitioner to approach the concerned authorities for obtaining licence for running the home within a period of two (2) weeks from the date of receipt of a copy of this order and the same may be considered on merits by the concerned authorities within a period of twelve (12) weeks thereafter.

7. With the above observation and reasons, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

21.03.2023

(rap)

Index : Yes / No

Speaking order / Non speaking order : Yes / No

NCC : Yes / No



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M.DHANDAPANI, J.

(rap)

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