



WP(MD)No.5559 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.5559 of 2023

R.Rajendran

... Petitioner

v.

1.The District Registrar,
District Registrar Office,
Periyakulam,
Theni District.

2.The District Child Welfare Committee,
District Child Welfare Committee Office,
Theni District.

3.The District Child Protection Officer,
District Child Protection Office,
Collector Office Campus,
Theni District.

4.The District Social Welfare Officer,
District Social Welfare Office,
Theni.

5.Judy

... Respondents



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WEB COPY Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the competent authority to conduct an enquiry based on the order of this Court in WA.No.1424 to 1426 of 2016, issue notice to all the necessary parties to pass appropriate orders and consequently, directing the first respondent to take necessary action against the fifth respondent.

For Petitioner : Mr.H.Elango

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R.1 to R.4

Mr.Jeyamohan for R.5

ORDER

This writ petition is filed by the petitioner for a mandamus directing the official respondents to conduct an enquiry and pass appropriate orders, as per the directions of this Court in W.A(MD).Nos.1424 to 1426 of 2016, dated 06.09.2017.



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WEB COP 2.The third respondent / District Child Protection Officer has filed a counter affidavit as follows:-

“6.I humbly submit that the fourth respondent herein through her letter in Na.Ka.No.978/A3/2017 dated 23.04.2021 addressed to the third respondent has stated that she conducted enquiry in accordance with the order passed in Writ Appeal and concluded that the fifth respondent is the President and Secretary and handed over the keys of the “Hosanna Children Home” to us, in view of the G.O.Ms.No.74, Social Welfare and Nutritious Meal Programme Department dated 30.11.2015.

7.I humbly submit that now the Child Care Institutions are under the control of Child Protection Officer and Child Welfare Committee of the respective Districts. As on today, the Society namely “Hosanna Children Home” is defunct and we came to know that the Form-7 submitted by the rival parties were not accepted from the year 2019-2020. In those circumstances, the possession of the Home could not be handed over to the writ petitioner or the fifth respondent herein.”



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WEB COP 3.Recording the above statement of the third respondent, this writ petition is closed, with liberty to the petitioner to work out his remedy in the manner known to law. No costs.

Index : Yes / No
NCC : Yes / No
gk

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To

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B.PUGALENDHI, J.

gk

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