



W.P.(MD)No.15902 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.15902 of 2014

U.R.Kudil @ Sivasakthi Ashramam,
Rep. by its Founder and Managing Trustee,
S.Jothi Loganathan,
S/o.Subramanian,
Maruthanallur,
Kumbakonam,
Thanjavur District.

... Petitioner

versus

1. The District Collector,
Thanjavur,
Thanjavur District.
2. The District Social Welfare Officer,
Thanjavur District,
Thanjavur.
3. The District Child Protection Officer,
District Child Protection Unit,
Government Child Home Campus,
V.O.C.Nagar,
Thanjavur – 7.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorified Mandamus, to call for the records relating to the order passed by the 2nd respondent in No. 1150/2014 dated 16.09.2014 insofar as the illegal custody of five children, quash the same and consequently, direct the 2nd respondent to return the 5 children to the petitioner.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

The petitioner is running an Orphanage Home at Maruthanallur Village, Kumbakonam Taluk, Thanjavur District. On 22.07.2014, the second and third respondents have forcibly taken five children from his home on the ground that he has not obtained necessary permission under Juvenile Justice Act.



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2. Now, the petitioner claims that he has obtained necessary permission under Juvenile Justice Act and he is willing to take those five children stating that he is having a close attachment with those children.

3. The learned Special Government Pleader appearing for the respondents submits that since the petitioner has not obtained necessary permission under the Act, those children were taken away from the petitioner Home and those children have been placed in different foster homes, which were recognized under the Act and now, they are living in a comfortable position.

4. Considering the rival submissions, this Court, by earlier order dated 13.03.2023, requested Mr.S.Shaji Bino, learned Special Government Pleader, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, Ms.K.Christy Theboral, learned Additional Government Pleader, Mr.J.K.Jayaseelan, learned Government



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Advocate and Mr.P.Kottaichamy, learned Government Advocate, to visit the place of children and ascertain as to whether they are living in a comfortable position or not and also ascertain as to whether they are willing to go with the petitioner.

5. Pursuant to the direction of this Court, the learned Government Pleaders, who have taken enormous efforts to visit all those children living in different places, submitted that they have verified with four children and they are in a comfortable position and one Divya Dharshini, who is living at Virudhunagar, alone is yet to be verified.

6. Considering the representation made by the learned Government pleaders that the children are in a comfortable position, this Court is not inclined to disturb their present living status. Therefore, this writ petition is closed by giving liberty to the petitioner to visit those Homes and to follow up the welfare of those children.



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WEB COPY 7. This Court places its appreciation to the learned Government

Pleaders, who have spent their own money and valuable time to visit all those places for the purpose of ascertaining the status of the children.

No costs.

14.06.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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B.PUGALENDHI, J.

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