



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26152 of 2023 AND
W.M.P.(MD)Nos.22514 & 22517 of 2023

Faith Foundation Research Centre,
No.2/1870, Om Sakthi Nagar,
D.Block Main Road,
Opposite of Amma Park,
Ramanathapuram 623 503,
Rep. by its Trustee
Mr.Iyengaran,
S/o.M.Sathiyamoorthy

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The District Social Welfare Officer,
District Collector Office Complex,
Ramanathapuram.
3. The Joint Director of Health Service,
Health Department,
Ramanathapuram.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the third respondent made in Ref.No.8558/SC/2023 dated Nil.08.2023 and quash the same



and consequently direct the third respondent to grant clinical establishment license.

For Petitioner : Mr.R.Murali

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate.

* * *

ORDER

Heard both sides.

2. The petitioner has been running a rehabilitation centre at Ramanathapuram. The petitioner was taking care of the persons who were addicted to Alcohol and Narcotics substances. The petitioner states that he was unaware, he should obtain license under the Tamil Nadu Clinical Establishments Act. It appears that two suicides also took place. That led to the closure of the establishment and sealing of the premises by the third respondent.

3. When the petitioner requested the third respondent to unseal the premises, the impugned communication came to be issued. Challenging the same, the present writ petition came to be filed.

4. It is not in dispute that the petitioner was running a clinical establishment within the meaning of the statutory



term. The petitioner ought to have obtained license.

Therefore, the institution was rightly ordered to be closed by the third respondent. The third respondent however knows the difference between closure of the institution and sealing of the premises. If the petitioner states that he will not use the clinical premises without getting license, then he can be allowed to use the premises and the building cannot be sealed. In any event, having sealed the premises, the third respondent could not have washed his hands of. On this ground, the impugned communication is set aside. The third respondent is directed to unseal the premises forthwith and without any delay.

5.The next question is granting license to the petitioner. The petitioner had already been given license. It appears that five certificates required to be produced by the petitioner have already been submitted. The petitioner has given an undertaking that they will not misuse their premises. The petitioner has also obtained clearance certificate from the Pollution Control Board. The third respondent is presently in the process of verifying the clearance certificate issued by the



Pollution Control Board. The third respondent is directed to pass order on the application within a period of three weeks from the date of receipt of a copy of this order. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

22.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

Note : Issue order copy on 27.11.2023.

To:

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The District Social Welfare Officer,
District Collector Office Complex,
Ramanathapuram.
3. The Joint Director of Health Service,
Health Department,
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G.R.SWAMINATHAN,J.

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