



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.13690 of 2020
and WMP.No.17015 & 17017 of 2020

Buds of Heavan Special Home for Women,
Rep. By its President, Mrs.A.Sagaya Mary. ... 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.

....Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the order of the third respondent dated 17.09.2020 made in No.9894/DSW/DD/HW-1/2019-1057 and to quash the same.



For Petitioner : Mr.M.Gnanasekar
For Respondent : Mr.V.Vasanthakumar, AGP (P)

ORDER

This petition has been filed seeking to quash the order of the third respondent dated 17.09.2020 made in No.9894/DSW/DD/HW-1/2019-1057.

2. It is the case of the petitioner that he is the President of the Buds of Heaven, Special Home for Women, Puducherry. The buds of heaven is a registered M.R.Home for persons with disability under Section 51(2) of the Rights of persons with disability Act 1916 to run as a residential home for women with the special needs along with the vocational Training and Rehabilitation, Therapy facilities. On 08.11.2019, the second respondent conducted enquiry in the petitioner home and revoked the certificate which was granted to them. In such circumstances, the 3rd respondent insisted the petitioner to get consent letters from the parents of the inmates for medical examination. On 22.08.2020, the Social Worker, Union Territory of Puducherry, Child Protection Society inspected the home and subsequently, issued show cause notice on 01.09.2020 for enquiry, which is under



challenge.

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3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that as against the impugned show cause notice, there is an appeal remedy available before the appellate authority in terms of Section 52(1) of the Rights of Persons with Disabilities Act, 2016. Hence, this Court, without going into the merits of the case, may permit the petitioner to file appropriate appeal before the Government under the Act.

4. 5. The learned Government counsel has not raised any objection.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Court without expressing any opinion on the merits of the case, grants liberty to the



petitioner to file an appeal petition before the Government for getting appropriate remedy.

8. With the above directions, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed. In respect of W.P.No.12925 of 2020 shall remain unaltered.

28.08.2024

rli

Index:Yes/No

Internet:Yes/No

Speaking/Non speaking



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



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M.DHANDAPANI, J.

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