



WEB COPY



W.P.No.14214 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.No.14214 of 2024

And

W.M.P.No.15407 of 2024

MOM Foundation
Rep. by Founder and Director
Kasturi Paulraj

... Petitioner

Vs.

1.The Commissioner of Social Defence
O/o.Commissionerate of Social Defence
No.300, Purusawalkam High Road, Kellys,
Chennai District,
Chennai.

2.The District Collector,
Vellore District,
Vellore.

3.The Chairman,
Children Welfare Committee,
Vellore District,
Vellore.

4.The District Children Protection Officer,
District Children Protection Office,
Vellore,
Vellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



W.P.No.14214 of 2024

issue a Writ of Certiorarified Mandamus to call for the records relating to the letter issued by the fourth respondent vide Ka.No.385/DCPU/2024 dated 18.05.2024 and quash the same consequently direct the fourth respondent herein to permit the petitioner to run the Karunalaya Children Home at Karunalaya Road, Eden Campus, Jafrapet, Vellore by handing over 17 children who were taken into custody by fourth respondent on 18.05.2024.

For Petitioner : Mr.T.Muruganantham
For Respondents : Mr.E.Sundaram
Government Advocate

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the letter issued by the fourth respondent dated 18.05.2024 and quash the same, consequently direct the fourth respondent to permit the petitioner to run the Karunalaya Children Home at Karunalaya Road, Eden Campus, Jafrapet, Vellore by handing over 17 children who were taken into custody by fourth respondent on 18.05.2024.

2.Heard both sides.



W.P.No.14214 of 2024

WEB COPY

3.The petitioner has been running a Children Home since 2003.

It appears that one child died in an accident that took place in the Home premises. In this background, the fourth respondent vide communication dated 18.05.2024 informed the petitioner that a proposal is to be submitted before the District Collector for suspending the petitioner's Registration under the Juvenile Justice (Care and Protection of Children) Act, 2015. This communication is put to challenge.

4.As rightly pointed out by the learned Government Advocate, the impugned order by itself does not take away the rights of the petitioner although it states that the Collector is proposed to be moved for suspending the petitioner's licence. The petitioner is permitted to submit a representation before the first respondent. Before the first respondent pass any adverse order, the petitioner shall be heard and the petitioner's representation shall be taken into account. I however make it clear that I have not gone into the merits of the matter.

5.The writ petition is disposed of accordingly. No costs.



W.P.No.14214 of 2024

Consequently, the connected miscellaneous petition is closed. The petitioner undertakes to submit the representation, within a period of seven days from the date of receipt of a copy of this order.

25.05.2024

pri/grs

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1.The Commissioner of Social Defence
O/o.Commissionerate of Social Defence
No.300, Purusawalkam High Road, Kellys,
Chennai District,
Chennai.
- 2.The District Collector,
Vellore District,
Vellore.
- 3.The Chairman,
Children Welfare Committee,
Vellore District,
Vellore.
- 4.The District Children Protection Officer,
District Children Protection Office,
Vellore,
Vellore District.



WEB COPY



W.P.No.14214 of 2024

G.R.SWAMINATHAN,J.
pri/grs

W.P.No.14214 of 2024
And
W.M.P.No.15407 of 2024

25.05.2024