



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21957 of 2023
and
W.M.P.Nos.21308 and 21310 of 2023

Rev.Father Thomas

... Petitioner

Vs.

1. The District Collector,
A Block, 2nd Floor,
Collectorate, Vellore – 632 009.
2. The Superintendent of Police,
Sathuvachari, Vellore.
3. The Revenue Divisional Officer,
B Block, 4th Floor, Collectorate Campus,
Sathuvachari, Vellore – 632 009.
4. The Inspector of Police,
Sathuvachari Police Station,
NH 46, Phase II, Sathuvachari,
Vellore – 632 009.
5. The Principal Secretary,
Ministry of Health and Family Welfare,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai – 600 009.

... 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 culminated in RC.C3.015/2022 dated 12.10.2022 and quash the same as illegal and subsequently direct the respondents to restore all the patients taken by the respondents forcefully by the petitioner's hospice.

For Petitioner : Ms.R.Roshini
for Mr.R.Prabhakaran

For Respondents : Mr.U.Baranidharan,
Additional Government Pleader

ORDER

The order impugned dated 12.10.2022 has been issued by the Chairman of the District Committee and the District Collector/ District Magistrate, Vellore District in exercise of powers conferred under Rule 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2009.

2. The writ petitioner states that he is a Catholic Priest and residing in India for the past about 25 years. He is doing services for dying destitute and homeless people through hospice. The petitioner is running the institution to cater the needs of the people, who all are on the verge of



death. The respondents have received complaints from some of inmates about the irregularities and illegalities in the petitioner's hospice viz., St. Joseph Hospice. Joint inspection was conducted by the Revenue Divisional Officer, Vellore, District Social Welfare Office, Vellore and the Tahsildar, Katpadi along with the team of officials on 11.10.2022. The petitioner's old age home i.e., St. Joseph Hospice was functioning in Gugaiyanallur Vilalge, Katpadi Taluk, Vellore District having 69 inmates in the home (32 male and 37 female). The team of officials headed by the Revenue Divisional Officer and the District Welfare Officer enquired about the portability and quality of maintenance and ascertained the following irregularities in the home:-

“ a) Most of them complained that no quality food were given to them, no proper medical support were given and they were beaten with cooking utensils.

b) There were no separate drinking water facilities. Instead they were drinking the non potable water from the lavatory.



c) They were brought and admitted in the home against their will. (Against the Right of Life provided by Constitution in Article 21)

d) Substandard quality of food were served to the inmates.

e) Rotten vegetables were found to be used for preparation of food.

f) No proper medical treatment were given to the inmates. (No trace of Medical Assistance)”

3. The Special Medical Team was sent to the Home immediately to assess the condition of the inmates. The Special Medical Team has given medication and sent the inmates for assessment and further treatment to the Government Hospitals. Out of 69 inmates, 53 inmates (25 male and 28 female) were sent to the Vellore Government Medical College/Hospital for treatment and 9 inmates (5 male and 4 female) to Government Hospital, Walajah. The administrator of the Home was allowed to move with 7 female inmates to Mercy Home, Chengalpattu through 108 Ambulance. At the time of inspection, the Administrators/ care-takers of the Home did not



produce any proper documents of approval to run the Home.

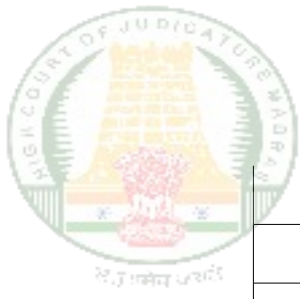
No building plan approval was obtained from the authorities competent.

WEB COPY

4. After ascertaining the situation, the District Level Committee convened an urgent meeting on 12.10.2022 based on the facts assessed. Since right to life and livelihood of the inmates are to be protected under Article 21 of the Constitution of India, the Committee decided to seal the premises. Accordingly, the District Collector, upon the powers conferred under Rule 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2009 issued orders to seal the premises by the Tahsildar, Katpadi. Consequently, the Tahsildar sealed the premises on 13.10.2022 at around 10.00 a.m., in the presence of the Deputy Superintendent of Police, Katpadi.

5. The status of the inmates, who were shifted from the petitioner's hospice on 11.10.2020 are detailed as under:-

Sl.No	Details	Total inmates
1.	Total inmates	69
2.	Shifted to Chengalpattu Home	7
3.	Shifted to various Homes in other Districts	61



WEB COPY

W.P.No.21957 of 2



	a) Shifted to the Homes in Vellore District	38
	b) Shifted to the Homes in Thiruvannamalai District	6
	c) Shifted to the Homes in Ranipet District	17
4.	Handed over to the family of the inmate	1

Out of the 38 inmates who are staying in various homes in Vellore District, 12 inmates have consented to go their respective native places and the rest of the inmates are willing to continue in the respective homes and they are being provided with proper medical assistance by the District Administrator.

6. The petitioner has committed certain serious irregularities and not complied with the mandatory provisions of the Act and Rules for running the hospice. The team of officials conducted inspections and identified illegalities and irregularities. Even the petitioner has not obtained permission to run the institution. Since the inmates are removed from the premises of the petitioner and admitted in Government Hospitals and provided with treatment, this Court is of the opinion that no further interference is required. The inmates are safely placed and some of them have opted to go to their native places. The premises of the petitioner is sealed and therefore, the respondents are bound to initiate all further actions



in the manner known to law.

7. With this observations, the Writ Petition stands dismissed.

No costs. Consequently, the connected Miscellaneous Petitions are closed.

10.04.2024

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

1. The District Collector,
A Block, 2nd Floor,
Collectorate, Vellore – 632 009.
2. The Superintendent of Police,
Sathuvachari, Vellore.
3. The Revenue Divisional Officer,
B Block, 4th Floor, Collectorate Campus,
Sathuvachari, Vellore – 632 009.
4. The Inspector of Police,
Sathuvachari Police Station,
NH 46, Phase II,
Sathuvachari, Vellore – 632 009.
5. The Principal Secretary,



WEB COPY

Ministry of Health and Family Welfare,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai – 600 009.

W.P.No.21957 of 2





WEB COPY



W.P.No.21957 of 2

S.M.SUBRAMANIAM, J.

skr

W.P.No.21957 of 2023

10.04.2024