



W.P(MD)No.12077 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.12077 of 2022

T.Sheela

... Petitioner

VS.

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Superintendent of Police,
O/o.The Superintendent of Police,
Tuticorin District,
Tuticorin.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tiruchendhur,
Tuticorin District.
- 4.The Tahsildar,
Sathankulam Taluk Office,
Tuticorin District.
- 5.The District Child Protection Officer,
Mani Nagar, Palai Road,
Tuticorin District,
Tuticorin.



WEB C 6.Ramesh

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... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the lock in Alpha and Omega Children Hostel in Survey No. 348/3A, 348/3B, Door No.3/135, South Street, Anandapuram, Tuticorin District within the time stipulated by this Court.

For Petitioner : Mr.P.Vetrivel
for Mr.S.Rajasekar

For Respondent Nos.1 & 3 to 5 : Mr.N.Satheesh Kumar
Additional Government Pleader

For Respondent No.2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Prayer in this Writ Petition is to direct the respondents 1 to 5 to remove the lock in Alpha and Omega Children Hostel in Survey No.348/3A, 348/3B, Door No.3/135, South Street, Anandapuram, Tuticorin District within the time stipulated by this Court.



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2.The petitioner has filed an undertaking affidavit, wherein it is stated as follows:

UNDERTAKING AFFIDAVIT FILED BY THE PETITIONER

I, T.Sheela, W/o. C. Thomson Deva Sahayam, aged about 51 years having office at Dr.No.3/135, South Street, Anandapuram, Tuticorin District having come down temporarily to Madurai and do hereby solemnly affirm and sincerely state as under:

1. I am the Petitioner herein and such I am well acquainted with the facts of the case and I am competent to swear this affidavit. I have not filed any other writ anywhere else on the same cause of action seeking for the same relief.

2. That the Instant Writ of Mandamus for a direction, directing the Respondent No.1 to 5 to Remove the lock in Alpha and Omega Children Hostel in S.No.348/3A, 348/3B Dr.No.3/135, South Street, Anandapuram, Tuticorin District within the time frame stipulated by this Hon'ble Court.

3. That on 22.04.2022 my premises was locked and sealed by the Respondent No.6 along with other officials on ground that children hostel was functioning in building in S.No.348/3A, 348/3B Dr.No.3/135, South Street, Anandapuram, Tuticorin District. And till date the said premises is locked and sealed. Also I am not willing to use the said premises as Children Hostel in the said premises further more.



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4. That I hereby undertake before this Hon'ble Court that I will not make use of said premises in S.No.348/3A, 348/3B Dr.No.3/135, South Street, Anandapuram, Tuticorin District for Children Home without obtaining prior approval from authorities concerned.

Therefore it is most respectfully prayed that this Hon'ble Court may be pleased to record this undertaking affidavit and pass further orders to remove the lock and seal made in Alpha and Omega Childrens Hostel in S.No. 348/3A, 348/3B Dr. No. 3/135, South Street, Anandapuram, Tuticorin District within the time frame stipulated by this Hon'ble Court.'

3.Recording the aforesaid undertaking affidavit filed by the petitioner, we direct the fifth respondent to remove the lock and seal in the aforesaid property in question forthwith. The undertaking affidavit filed by the petitioner, dated 02.02.2024 shall form part and parcel of this order. However, we make it clear that if there is any violation made by the petitioner in the property in question, it is always open to the authority concerned to take necessary action in accordance with law.



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4.With the above direction and observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
13.02.2024

NCC : Yes / No
Index : Yes / No
ps

To

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Superintendent of Police,
O/o.The Superintendent of Police,
Tuticorin District,
Tuticorin.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tiruchendhur,
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.12077 of 2022

DATED : 13.02.2024