



W.P(MD)No.19870 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.19870 of 2018

St.Joseph's Social Welfare Centre,
Vellamadam Post,
Kanyakumari District,
Represented by its Founder-cum-Managing Trustee,
M.Rosammal (died)

Irien Mary

... Petitioner

(M.Rosammal died and Irien Mary is recorded
as Founder-cum-Managing Trustee vide
memo, dated 05.11.2024 made in
W.P(MD)No.19870 of 2018, dated 05.11.2024)

Vs

- 1.State of Tamil Nadu,
Through the Secretary,
Social Welfare Department,
Government of Tamil Nadu,
Secretariat,
Chennai.
- 2.The Secretary,
State Child Protection Society,
Department of Social Defence,
No.300, Purasaivakkam High Road,
Kelly's,
Chennai – 600 010.
- 3.The Director of Social Defence,
No.300, Purasaivakkam High Road,
Kelly's,
Chennai – 600 010.



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4.The Commissioner,
Social Defence,
No.300, Purasaivakkam High Road,
Kelly's,
Chennai – 600 010.

5.The Deputy Director,
Department of Social Defence,
Baskar Complex,
Madurai.

6.The District Collector,
Collectorate,
Kanyakumari District,
Nagercoil – 1.

7.The Child Welfare Committee,
Kanyakumari District,
Collectorate,
Nagercoil.

8.The District Children Protection Officer,
District Children Protection Unit,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the grant under the Integrated Child Protection Scheme through the State Child Protection Society represented by the second respondent.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate



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ORDER

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This Writ Petition has been filed for a direction, directing the respondents to release the grant under the Integrated Child Protection Scheme through the State Child Protection Society represented by the second respondent.

2.The learned counsel appearing for the petitioner filed a memo, dated 05.11.2024 stating that pending the above Writ Petition, the Founder and the then Managing Trustee viz., Miss.M.Rosammal died on 24.07.2019. Subsequently, Mrs.Irien Mary was appointed as a Managing Trustee of the St.Joseph's Social Welfare Centre and stated that the memo may be recorded.

3.The said memo, dated 05.11.2024 is placed on record. Registry is directed to carry out necessary amendments in the cause-title.

4.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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5.The petitioner is running a Children's Welfare Home in the name of St.Joseph's Children's Home. The said Home was registered as per the deed, dated 20.11.2007. It was also registered as an institution for children in need of care and protection under Section 34(3) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The registration has been renewed till 29.07.2020. The service of the petitioner is encouraged by the Government by giving grants for the last 30 years. The entire grant received from the Government had been utilized for the benefit of children. However, for the year 2016-2017, the petitioner was not paid any grant for the boys home. Subsequently, the petitioner was also not paid any grant. Therefore, the petitioner submitted a representation for the release of the grant from the respondents.

6.The sixth respondent filed a counter-affidavit and on the submissions made by Mr.M.Senthil Ayyanar, learned Government Advocate appearing for the respondents would reveal that the petitioner committed various illegalities by keeping 81 children as against the sanctioned strength of 63 children. Therefore, the petitioner was issued with notice to produce 18 children



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accommodated over and above their capacity before the seventh respondent. As per Rule 33(2) of the Tamil Nadu Juvenile Justice Rule, 2017, the Director of Social Defence has the authority to fix the accommodation capacity of the Children's Home in proportionate to the infrastructure and the staff strength available in a childcare institution. Therefore, the petitioner was served with notice to produce all the children accommodated over and above the sanctioned strength before the seventh respondent. However, the petitioner failed to produce any children and the petitioner wilfully not adhering the norms stipulated in the registration certificate. Once again inspection was conducted on 06.01.2018 and found that the petitioner had shifted 12 children illegally to a dilapidated house of one relative of the petitioner instead of producing them before the seventh respondent.

7.That apart, while inspection, the petitioner abused the inspection team in a filthy language. Therefore, a complaint was also lodged as against the petitioner before the Inspector of Police, Nesamony Nagar Police Station, Kanyakumari District. Once again, on 17.01.2018, another inspection was conducted to ascertain the status of the excess children and their whereabouts. Thereafter, the



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excess children were handed over to their respective parents. That apart, the petitioner diverted the funds which was received from the Government for other purposes. Therefore, the licence of the petitioner was not renewed subsequently. Only on 29.01.2021, once again the registration of the petitioner was renewed. Therefore, the petitioner is not entitled for any grant since it violate the conditions and also failed to appear before the seventh respondent.

8.The petitioner was issued with notice by the seventh respondent dated 24.08.2018 stating various allegations and directed the petitioner to submit the explanation within a period of 7 days. However, the petitioner, so far, has not submitted any explanation for the notice, dated 24.08.2018.

9.In view of the above, the petitioner is not entitled for any grant from the Government under the Integrated Child Protection Scheme. Therefore, the Writ Petition is devoid of merits and the same is liable to be dismissed.



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10. Accordingly, this Writ Petition is dismissed. However, the petitioner is at liberty to submit a fresh application for any grant, after rectifying all the allegations levelled against the petitioner. There shall be no order as to costs.

05.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

1. The Secretary,
Represented by the State of Tamil Nadu,
Social Welfare Department,
Government of Tamil Nadu,
Secretariat,
Chennai.
2. The Secretary,
State Child Protection Society,
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3. The Director of Social Defence,
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4. The Commissioner,
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- 5.The Deputy Director,
Department of Social Defence,
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- 6.The District Collector,
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Nagercoil – 1.
- 7.The Child Welfare Committee,
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- 8.The District Children Protection Officer,
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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.19870 of 2018

05.11.2024