

(2010) 11 MAD CK 0341

Madras High Court (Madurai Bench)

Case No: Writ Petition (MD) No. 10076 of 2009 and M.P. (MD) No's. 1 and 2 of 2009

S. Jothi Loganathan

APPELLANT

Vs

The District Social
Welfare Officer

RESPONDENT

Date of Decision: Nov. 26, 2010

Hon'ble Judges: P. Jyothimani, J

Bench: Single Bench

Advocate: V. Perumal, for the Appellant; Pala Ramasamy, Spl. Govt. Pleader, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

P. Jyothimani, J.

The Writ Petitioner is stated to have been given a licence by the Board of Control under the Orphanages and Other Charitable Homes (Supervision and control) Act, 1960, by the Directorate of Social Welfare in the year 2003. However, under the impugned show-cause notice dated 24.09.2009, the Respondent has proposed that all the seven children, who are admitted in the Petitioner's Home, are to be transferred to another Welfare Organization and that show-cause notice is challenged mainly on the ground that the District Social Welfare Officer, Thanjavur, who has issued notice, has no jurisdiction as per the provision of the said Act 10/1960, which contemplates the constitution of Board of Control consisting of many members of course, it includes the Director of Social Welfare also.

2. It is seen that the Petitioner has in fact, submitted its objection to the show-cause notice on 30.09.2009. The learned Counsel for the Petitioner also would fairly submit that subsequently the officials of the Respondent Board have visited the Orphanage of the Petitioner and they were satisfied about the condition prevailing in the Orphanage run by the Petitioner and a report has also been filed by the authority concerned.

3. In such view of the matter, since pursuant to the impugned show-cause notice and the inspection has already been made, I do not see any reason to entertain the Writ Petition except to direct the Respondent to pass appropriate orders regarding the recognition of the Petitioner Home based on the said enquiry stated to have been conducted.

4. In such circumstances, the Writ Petition stands disposed of with a direction to the Respondent to pass appropriate orders on the basis of the inspection stated to have been conducted by the officials of the Respondent Board expeditiously. Consequently, the connected miscellaneous petitions also stand dismissed. However, there shall be no order as to costs.