

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Twenty Fourth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice NOOTY. RAMAMOHANA RAO
and
The Hon`ble Mr.Justice S.S.SUNDAR

WP(MD) Nos.20895 of 2015 and 16273 of 2015
and MP.(MD).Nos. 1&2 of 2015 and
WMP.(MD).No.6516 of 2016

CHANGEINDIA

REP. BY ITS DIRECTOR A.NARAYANAN, NO.7C,
DAFFODIL, CEEBROS GARDENS, ARCOT ROAD,
VIRUGAMBAKKAM, CHENNAI 600 092

... PETITIONER in WP(MD)No.20895/2015

Vs

- 1 THE PRINCIPAL SECRETARY
DEPARTMENT OF SOCIAL WELFARE,
GOVERNMENT OF TAMILNADU, SECRETARIAT, FORT.ST.GEORGE,
CHENNAI 9
- 2 THE DEPUTY SUPERINTENDENT OF POLICE -CB CID,
ANTI HUMAN TRAFFICKING CELL (ANTI VICE SQUAD), FIRST FLOOR,
BLOCK-3, ELECTRONIC COMPLEX, SIDO INDL.ESTATE, GUINDY,
CHENNAI 32
- 3 THE DISTRICT COLLECTOR
COLLECTORATE, COLLECTOR OFFICE ROAD, TRICHY 620 001
- 4 THE COMMISSIONER OF POLICE
COMMERCIAL TAX BUILDING, RACE COURSE ROAD,
KAJAMALAI, TRICHY 620 020
- 5 THE DISTRICT SOCIAL WELFARE
OFFICER, COLLECTORATE BUILDING,
TRICHIRAPPALLI DIST 620 001
- 6 THE CHILD WELFARE COMMITTEE GOVT.OBSERVATION HOME,
NO.34, EAST BOULEWARD ROAD, TIRUCHIRAPPALLI 2
- 7 THE DIRECTOR
CENTRAL BUREAU OF INVESTIGATION (CBI) ANTI
HUMAN TRAFFICKING UNIT, PLOT NO.5-B, 6TH FLOOR,
CGO COMPLEX, LODHI ROAD, NEW DELHI 110 003

8 THE UNION SECRETARY
MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA,
NORTH BLOCK, NEW DELHI 110 001

9 PASTOR GIDEON JACOB MOSE MINISTRIES COMPLEX,
RANGANAGAR,
SUBRAMANIAPURAM, TRICHY

10 THE REGIONAL PASSPORT OFFICER,
TRICHIRAPPALLI.
(R10 SUO MOTU IMPEADED VIDE COURT
ORDER DATED 11.12.2015 IN WP(MD)
Nos.16273 and 20895 of 2015 by VRSJ & NKKJ)
..Respondent in WP(MD)No.20895/2015

MOSE MINISTRIES
REP. BY ITS ADMINISTRATOR,
JEYAM ABRAHAM

.. Petitioner in WP(MD). 16273/ 2015

- Vs. -

1 THE DISTRICT COLLECTOR
COLLECTORATE OFFICE, TIRUCHIRAPPALLI DISTRICT.

2 THE SOCIAL WELFARE COMMISSIONER, CHEPAUK, CHENNAI.

3 THE DISTRICT SOCIAL WELFARE OFFICE, TIRUCHIRAPPALLI.

4 CHILD WELFARE COMMITTEE
REP. BY ITS CHAIRMAN,
HAVING OFFICE AT OBSERVATION HOME AT, BABU ROAD,
(EAST BOULEWAR ROAD), TIRUCHIRAPPALLI.

5 DISTRICT CHILDREN WELFARE UNIT
BY ITS CHILD WELFARE OFFICER, TIRUCHIRAPPALLI.

6 THE INSPECTOR OF POLICE
K.K.NAGAR POLICE STATION, TIRUCHY.

7 THE REGIONAL PASSPORT OFFICER,
TIRUCHIRAPPALLI.
(R7 IS SUO MOTU IMPEADED VIDE COURT ORDER
DATED 11/12/2015 IN WP(MD)Nos.16273 and 20895/2015
by VRSJ & NKKJ)

... Respondents in WP(MD). 16273/ 2015

Prayer in WP(MD). 20895/ 2015 :

Petition praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to issue a Writ order or direction more in the nature of a writ of
Mandamus directing the 7th respondent Central Bureau of
investigation to investigate into the trafficking and illegal

confinement of 89 girl children by the 9th Respondent and consequently direct the 1st Respondent to restore the children living in the custody of 9th Respondent to their respective parents.

Prayer in WP(MD). 16273/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent pertaining to the order passed by him vide his proceedings in Se.Mu.No.821/A1/1025 dated 03.09.15 and quash the same as illegal and consequently directing the 1st to 3rd respondent to register the petitioner Mission under Juvenile Justice Act and Tamil Nadu Hostels and Homes for women and children (Regulation) Act 2014 in accordance with law based on the relevant records submitted by them within the period that may be stipulated by this Honble Court.

Prayer in MP(MD). 1/ 2015 in WP(MD).16273/2015 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant Ad interim Stay of the impugned order passed by the 3rd respondent vide his proceedings in Se.Mu.No.821/A1/1025 dated 03.09.15 pending disposal of the writ petition.

Prayer in MP(MD). 2/ 2015 in WP(MD).16273/2015 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to hear the children and the young adults who are the inmates of the Childrens Home and thereafter pass suitable orders permitting them to Celebrate the New Year Services in their own Church as in the previous year.

Prayer in WMP(MD). 6516/ 2016 in WP(MD).16273/2015 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an AD Interim Direction directing the 2nd respondent to consider the application dated 05.04.2013 of Mose Ministries for registration of the Home and pass such further or other orders.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.D.GEETHA, Advocate for the petitioner in WP. (MD).No.20895/15 and Mr.Isaac Mohanlal Senior counsel for Mr.M.Siddharthan, Advocate for the petitioner in WP.(MD).No.16273/15 and of Mr.K.Chellapandian, Additional Advocate General assisted by Mr.A.K.Baskarapandian, Special Government Pleader for R1 to R6 in WP.(MD).NO.20895 & 16273/15 and Mr.S.Jayakumar, Public Prosecutor for CBI, for R7 in WP(DM)No.20895/2015 and Mr.N.Shanmugaselvam, Central Government Standing Counsel for R8 and R10 in WP.(MD). NO.20895/15 and R7 in WP.(MD).No.16273/15 the court made the following order:-

As the orders passed by this court on previous occasions i.e. on 12.07.2016 and 19.07.2016, appear to have left some confusion in the minds of the authorities, what we intended to say, is that the blood samples must be subjected to D.N.A finger printing tests at Government Forensic Science Laboratory, Chennai. Now, it is being debated as to who should send the samples, namely, the District Collector or The Commissioner of Police, Trichy or the CBI.

We make it clear that any of them can send the samples to the Government Forensic Science Laboratory, Chennai for DNA finger printing test, so that, the report can be placed before us in time. However, we direct the Director of Government Forensic Science Laboratory, Chennai, to undertake the DNA finger printing test and make available the findings in a sealed cover on free of cost basis.

Post after four weeks.

sd/-
24/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL SECRETARY, DEPARTMENT OF SOCIAL WELFARE,
GOVERNMENT OF TAMILNADU, SECRETARIAT, FORT.ST.GEORGE, CHENNAI 9
- 2 THE DEPUTY SUPERINTENDENT OF POLICE -CB CID,
ANTI HUMAN TRAFFICKING CELL (ANTI VICE SQUAD),
FIRST FLOOR, BLOCK-3, ELECTRONIC COMPLEX, SIDO INDL.ESTATE,
GUINDY, CHENNAI 32.
- 3 THE DISTRICT COLLECTOR, COLLECTORATE, COLLECTOR OFFICE ROAD,
TRICHY 620 001
- 4 THE COMMISSIONER OF POLICE, COMMERCIAL TAX BUILDING,
RACE COURSE ROAD, KAJAMALAI, TRICHY 620 020
- 5 THE DISTRICT SOCIAL WELFARE OFFICER,
COLLECTORATE BUILDING, TRICHIRAPPALLI DISTRICT 620 001.
- 6 THE CHILD WELFARE COMMITTEE, GOVT.OBSERVATION HOME,
NO.34, EAST BOULEWARD ROAD, TIRUCHIRAPPALLI 2
- 7 THE DIRECTOR, CENTRAL BUREAU OF INVESTIGATION (CBI)
ANTI HUMAN TRAFFICKING UNIT, PLOT NO.5-B, 6TH FLOOR, CGO COMPLEX,
LODHI ROAD, NEW DELHI 110 003
- 8 THE UNION SECRETARY, MINISTRY OF HOME AFFAIRS,
GOVT. OF INDIA, NORTH BLOCK, NEW DELHI 110 001

9 PASTOR GIDEON JACOB, MOSE MINISTRIES COMPLEX, RANGANAGAR,
SUBRAMANIAPURAM, TRICHY.

10 THE REGIONAL PASSPORT OFFICER, TRICHIRAPPALLI.

11 THE SOCIAL WELFARE COMMISSIONER, CHEPAUK, CHENNAI.

12 THE INSPECTOR OF POLICE, K.K.NAGAR POLICE STATION,
TIRUCHIRAPPALLI.

13 THE CHIED WELFARE OFFICER, DISTRICT CHILDREN WELFARE UNIT,
TRICHY.

+2cc to special Government Pleader SR.No.47566,47565

sm:DB-SAR III:30/08/2016:5P/16C

ORDER

IN

WP(MD) Nos.20895 of 2015 and 16273 of 2015
and MP.(MD).Nos. 1&2 of 2015 and
WMP.(MD).No.6516 of 2016

Date :24/08/2016