

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Tenth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU
and
The Hon`ble Mr.Justice M.V.MURALIDARAN

WP(MD) No.20895 of 2015

CHANGEINDIA

REP. BY ITS DIRECTOR A.NARAYANAN

... PETITIONER

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 IMPLADED VIDE COURT
ORDER DATED 11.12.2015 IN WP(MD)

Nos.16273 and 20895 of 2015 by VRSJ & NKKJ) ... RESPONDENTS

Petition filed under Article 226 of the Constitution of India, praying this Court to issue 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.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and the earlier order of this Court and upon hearing the arguments of M/S.D.GEETHA, Advocate for the petitioner and of MR.M.GOVINDAN, Special Government Pleader, on behalf of the Respondents 1 to 6, and of Mr.S.JEYAKUMAR, Special Public Prosecutor for CBI- 7th respondent, and of MR.N.SHANMUGASELVAM, Advocate for the 8th respondent, and of MR. ISAAC MOHANLAL Senior Counsel for MR.R.BASKARAN, Advocate for the 9th respondent, the court made the following order:-

[Order of the Court was made by S.NAGAMUTHU, J]

This Court directed the Presiding Officer of the Children Court, Tiruchirapalli to record the statements of inmates of the Home. She has sent statements of some of the inmates. She has asked for time to record the statements of others. We have gone through the statements already recorded.

2.It appears that the Presiding Officer of the Children Court has not understood the purpose of enquiry ordered. She has recorded the statement as though the direction is to ascertain the condition of the Home or the treatment met out to inmates of the Home, at the hands of the pastor. The purpose of the enquiry is to ascertain the views of the inmates, who have completed 18 years of age, as to whether they are willing to go with their parents or they would like to be in any other Home run by the Government. But, the Presiding Officer has not ascertained this fact from any one of the persons from whom the statements have been recorded. Thus, we are not satisfied with the statements recorded. The Presiding Officer of the Children Court, Tiruchirapalli is, therefore, directed to revisit the Home, record the statements and ascertain the views of all the inmates about their willingness to go with their parents or to continue to be in any other recognized Home for that purpose and submit a report.

3. The learned Special Government Pleader appearing for the official respondents submitted that out of 89 inmates, 80 inmates

attained majority and out of the said 80 inmates, the parents of the 45 inmates are willing to take them back. In respect of 10 others, though the parentage was identified, they are not willing to take them back. At any rate, according to the learned Special Government Pleader, the DNA report is necessary to ascertain the parentage and then, to allow the children to go with their respective parents.

4. As per the direction of this Court, the Deputy Director of Regional Forensic Laboratory, Madurai, has sent the DNA reports in a sealed cover. The Registry shall furnish a copy of these reports to the District Social Welfare Officer, Trichy, for further action.

5. Post the matter on 25.11.2016.

sd/-

Assistant Registrar(RTI)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

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,
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- 8 THE UNION SECRETARY, MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA,
NORTH BLOCK, NEW DELHI 110 001
- 9 THE REGIONAL PASSPORT OFFICER,TRICHIRAPPALLI.
- 10 THE PRESIDING JUDGE OF THE CHILDREN COURT, TIRUCHIRAPPALLI.

- 11 MR.M.GOVINDAN, SPECIAL GOVERNMENT PLEADER,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 12 MR.S.JAYAKUMAR, SPECIAL GOVERNMENT PLEADER (CBI),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 13 THE DEPUTY DIRECTOR OF REGIONAL FORENSIC LABORATORY,
MADURAI.
- 14 THE DISTRICT SOCIAL WELFARE OFFICER, TRICHY.

COPY TO:

1. THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE SECTION OFFICER, WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER DATED : 10.11.2016

HEARING DATE: 25.11.2016

ORDER

WP (MD) No.20895 of 2015

Giving directions etc.,
as stated within.

msm/sk-skn/11.11.16/p4/17c