

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

Tuesday, the Twenty Eighth day of June 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 and 16273 of 2015

CHANGEINDIA

REP.BY ITS DIRECTOR A.NARAYANAN ..Petitioner in WP(MD)No.20895/2015

MOSE MINISTRIES

REP.BY ITS ADMINISTRATOR,
JEYAM ABRAHAM

..Petitioner in WP(MD)No.16273/2015

- 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 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.
(R10 SUO MOTU IMPEADED VIDE COURT
ORDER DATED 11.12.2015 IN WP(MD)
Nos.20895 and 16723 of 2015) ..Respondent WP (MD)No.20895/2015

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, TIRUCHIRAPPALLI.

7 THE REGIONAL PASSPORT OFFICER,
TIRUCHIRAPPALLI.
(R7 SUO MOTU IMPEADED VIDE COURT
ORDER DATED 11.12.2015 IN WP(MD)
Nos.20895 and 16723 of 2015) ..Respondent in WP (MD)No.16273/2015

Prayer in WP(MD). 20895/ 2015 :

Writ Petition is 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 girl 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.

ORDER: These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of

For Petitioners: M/S.D.Geetha, Advocate in WP(MD)No.20895/2015

Mr.Isaac Mohanlal, Senior Counsel
for Mr.M.Siddharthan, Advocate
in WP(MD)No.16273/2015

For Respondents: Mr.K.Chellapandian, Additional Advocate General assisted by Mr.A.K.Baskarapandian, Special Government Pleader for R1 to R6 in WP(MD)No.20895/2015 and for R1 to R6 in WP(MD)No.16273/2015.

Mr.S.Jayakumar, Advocate for R7
in WP(DM)No.20895/2015

Mr.N.Shanmugaselvam, Central Government Standing Counsel for R8 and R10 in WP(MD)No.20895/2015 and for R7 in WP(MD)No.16273/2015

Mr.Isaac Mohanlal for Mr.M.Siddharthann, Advocate for R9 in WP(MD)No.20895/2015,

the court made the following order:-

(Order of the Court was made by **NOOTY.RAMAMOHANA RAO, J**)

Heard Ms.D.Geetha, learned counsel for the petitioner, Mr.Issac Mohanlal, learned Senior Counsel learned counsel for the respondent and learned Additional Advocate General assisted by the learned Special Government Pleader on behalf of the State.

2.We have also had the benefit of interacting with Dr.N.Lalitharani, Professor of Pathology, K.A.P. Medical College, Trichy.

3.Before proceeding further in dealing with the requests said to have been made by some of the parents of the inmates of the home (Mose Ministries) for restitution of their wards, we could consider that it would be appropriate to issue the following directions:-

"(i)Dr.N.Lalitharani, Professor of Pathology, with

the assistance of any 3 or 4 female technicians, 10 names of whom have been furnished to us by the learned Additional Advocate General, shall collect blood samples from all the 89 inmates of the home. Let this task be completed in 4 to 5 days time between 10.00 a.m. and 12.00 noon. Dr.N.Lalitharani, Professor of Pathology, shall also ensure that the blood samples so collected are distributed in three separate sterile containers so that they could be utilised at any later point of time for the purpose of D.N.A finger printing test and also for the purpose of comparison, in case of a second opinion being required.

(ii) From an analysis of the data made available by Mr.Issac Mohanlal, we gather that excepting 13 children, all other inmates are 18+ years of age. Amongst these 76 children who are 18+ of age, if they need any assistance in the matter of pursuing higher studies of learning, they may leave a request in that regard in writing with the District Social Welfare Officer in charge of the home so that appropriate facilities for their higher studies can be explored.

(iii) Such of those parents who have come forward to take the custody of their respective children who are now staying in the home, they must necessarily file an application before the District Collector or the Commissioner of Police, Trichy or the District Social Welfare Officer in charge of the home, prima facie, identifying the girl child whom they want to take custody of. Upon receipt of any such application, blood samples shall be collected **from both the parents** under the supervision of Dr.N.Lalitharani, Professor of Pathology. Each such set of parents shall deposit a sum of not less than of Rs.4,000/- (Rupees four thousand only) for the purpose of getting the D.N.A finger printing test conducted along with the application.

(iv) The blood samples shall be segregated into three sealed bags. One of the samples shall be sent over to this Court to be kept with the Registry and the remaining two sealed sample boxes shall be kept either in the custody of the District Collector or the Commissioner of Police, Trichy.

(v) All the 89 inmates of the home are specifically hereby directed to co-operate with Dr.N.Lalitharani, Professor of Pathology and they shall part with their blood sample.

(vi) A detailed report may be made available to this Court by the District Social Welfare Officer on 12.07.2016."

4.Call this matter for further consideration on 12.07.2016.
sd/-
28/06/2016

/ 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,
ANTI HUMAN TRAFFICKING CELL (ANTI VICE SQUAD),
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- 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.

ORDER IN

WP(MD) Nos.20895 and 16273 of 2015

Date :28/06/2016

PBK/SK-SKN/SAR-I 01/07/2016 ::5P-14C::