

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Tuesday, the Nineteenth day of July 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 & 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 all the learned counsel concerned in the matter.

2. It is brought to our notice that in respect of three girls both their parents have parted with their blood samples and also made a request for referring their blood samples along with that of the child identified by them, whom they claimed to be their own child, for DNA finger printing test. In respect of one child, only the mother could give her blood sample, as it is alleged that the father is no more of that child. Now, these four sets of blood samples are available with the Medical College at Trichy. These samples, along with respective child's sample (which is already

collected) be sent over to the Government Forensic Science Laboratory, Chennai for DNA finger printing test and for that purpose, we authorise the Central Bureau of Investigation, the investigating agency, to carry out that exercise. However, the Forensic Science Laboratory will make available its findings in respect of each set of the samples by tendering a separate opinion and present it in a sealed cover and all the separate sealed opinions to be put again in another sealed cover and sent over to the Registrar Judicial of this Bench of the High Court. We hope and trust that this exercise would be completed as early as possible, at any rate, latest by 22nd of August, 2016. Therefore, post this matter for further consideration on 24th August, 2016.

3. So far as any other parent(s) desiring to seek comparison of their blood samples with that of an identified child inmate of this Home, an appropriate application in that respect may be delivered to the District Magistrate and Collector, Trichy and upon such application, the Collector may pass appropriate orders as expeditiously as possible, preferable by the next working day so that the blood samples can be collected and a similar exercise, like the one which we have ordered today, may be carried out with a request to make available the findings of the Laboratory in a separate sealed cover to this Registry.

4. The inmates may be provided with the necessary cable network connection to the television sets by subscribing to the suitable channels.

5. Mr. Issac Mohanlal, learned Senior Counsel could agree to our suggestion that before 15th August, 2016, a further sum of Rs.2,00,000/- (Rupees Two Lakhs only) will be deposited to spend for the well-being of the children.

Post on 24.08.2016.

sd/-
19/07/2016

/ 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
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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.

Copy to : 1)The Registrar (Judicial)
Madurai Bench of Madras High Court, Madurai.

2)The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.M.Siddharthan, Advocate in SR.38570
+1cc to the Special Government Pleader, in SR.37900 & 37902

ORDER IN
WP (MD) Nos.20895 & 16273 of 2015
Date :19/07/2016

PBK/MGM-MP/SAR-II 25/07/2016 ::5P-18C::