

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

Friday, the Twenty Eighth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM
and
The Hon`ble Mr.Justice N.SESHASAYEE

WP(MD) No.8122 of 2017

1 JULIA JACOB
2 EUNICE
3 ESTHER
4 BEULA
5 ZIPPORAH
6 SUSANNA
7 REBECCA
8 SARA
9 TABEA
10 HENA
11 MICHELLE
12 DEBORATH
13 RUTH
14 ANGEL
15 DAMARIS
16 GLORY PHOEBE
17 TRYPHOSA
18 RAHEL
19 NAGOMI
20 PRISCILLA
21 ELIZAHETH
22 LEYAL
23 HELENA
24 VICTORIA
25 JOY
26 MARYANN
27 MAGDALENA
28 MIZPA JACOB
29 GNANAOLI
30 DOROTHY
31 VERONICA
32 FLORANCE
33 FRANCIS
34 GLADYS
35 EVELYN
36 THERESA
37 BERENIKA
38 OLIVIA
39 JOANA
40 CHRISTINA

41 GRACE G
42 DAVANIA
43 SYLVIE
44 NICOLA
45 JOSEPHINE
46 CORINNA
47 PAMILA
48 VIRGINIA
49 RAFFAELA
50 SHARON
51 LOURA
52 CATHERINE
53 VIVIAN
54 LINDA
55 JANETT
56 MERCY
57 CAROLYN
58 PHYLLIS
59 DOMINIQUE
60 JASMINE
61 JACQUELINE
62 ANNICA G,
63 CLARIE
64 PAULINE
65 ALISON
66 HARRIET
67 SALOME
68 TAMARA
69 CELINE
70 BERYL
71 ALICE
72 SHEEBA
73 QUELUA
74 CHRYSTAL
75 ULRICA
76 MELISSA
77 SAMANTHA
78 MERIAH
79 KIMBERLY
80 FIONA
81 ASHLEY
82 LYNN
83 ESTELLE
84 CHIARA
85 LARISSA
86 LOREEN

... PETITIONERS

Vs

1 THE DIRECTOR OF SOCIAL WELFARE DEPARTMENT OF SOCIAL WELFARE,
CHEPAUK,
CHENNAI.

2 THE DISTRICT COLLECTOR,
COLLECTORATE OFFICE,
TRICHY DISTRICT.

3 THE DISTRICT SOCIAL WELFARE OFFICER,
COLLECTORATE BUILDING,
TRICHY.

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

5 THE SUPERINTENDENT OF POLICE,
TRICHY DISTRICT,
TRICHY.

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a writ of Mandamus directing the respondents herein to set the petitioners herein free forthwith from the control and custody of the respondents herein at Mose Ministries Home, Trichy and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

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.K.SAMIDURAI, for M/S.M.SIDDHARTHAN, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Government Advocate on behalf of the Respondents the court made the following order:-

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

When the case was heard by the Court on 27.04.2017, the following order was passed:-

"Mr.S.Chandrasekar, learned Government Advocate accepts notice for the respondents. The learned Government Advocate is directed to get instructions as to whether the directions issued by the Division Bench in W.P(MD)Nos.20895 and 16273 of 2015, dated 30.11.2016, in particular the direction contained in paragraph in paragraph 34 onwards has been complied with.

List the matter on 28.04.2017 and print the name of Mr.S.Chandrasekar for the respondents."

2.Pursuant to the above directions, Mrs.S.Indira Gandhi, Advocate, Chairman, Child Welfare Committee, Trichy, Mrs.Muthumala Devi, Advocate, Member of Child Welfare Committee, Trichy, and

Mrs.Rajalakshmi, Advocate, Member of Child Welfare Committee, Trichy and Mrs.S.Usha, District Social Welfare Officer, Trichy (99436-24965) are present before us.

3.We queried them as to whether the direction issued by the Division Bench of this Court at paragraph 34 of its order, had been complied with. They would state that a committee has been formed under the Chairmanship of the District Collector and they wanted to speak to the children individually and directed them to appear before the Committee. But the children appear to have informed that the Committee should come and meet them in the premises of Mose Ministries and speak to them collectively. The committee is of the opinion that it would not be appropriate for them to go to the premises of the Home and speak to the inmates collectively and this decision has been taken by the Committee and placed before the District Collector for suitable directions.

4.The direction issued in paragraph 34 of the order, is to the following effect:-

"In our view, reading the above referred order in conjunction with the observations and directions issued in other paragraphs, we are of the clear view that the Division Bench was of the opinion that the individual wishes of the girls, who are in the Home, have to be ascertained. Therefore, question of collectively ascertaining the views may not be proper and may not be in consonance with the direction of the Division Bench."

5.The direction issued was in respect of the girls, who have completed 18 years and as of now, there are 89 inmates who have completed 18 years of age and one minor inmate in the home. Therefore, we feel that the proper exercise should be conducted, so as to ascertain the views of all the inmates to assess as to whether they have focus in life and they are clear about what they would do after they leave the home and above all to ensure that they are not tutored to give certain statements. To ensure absolutely transparency to obtain the best feedback, we issue the following directions:

"The Secretary, District Legal Services Authority, Trichirappalli is directed to ascertain the wishes of all the 89 inmates in the home in the District Court premises at Trichirappalli and during the said interview, Mrs.S.Usha, District Social Welfare Officer, Trichirappalli (99436-24965) shall be present and the views of each of the inmates be recorded in the form of a statement and the Secretary, District Legal Services Authority is directed to submit a comprehensive report to this Court to enable the Court to consider as to what relief that could be granted in this writ petition."

6.District Social Welfare Department at Trichirappalli shall provide all infrastructural arrangements to facilitate the process including food and refreshments for the inmates as well as transportation for them from the Home to the District Court

building. All the students preferably to be interviewed on the same day.

7. Post the matter after vacation.

sd/-

28/04/2017

/ TRUE COPY /

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

TO

- 1 THE DIRECTOR OF SOCIAL WELFARE DEPARTMENT OF SOCIAL WELFARE,
CHEPAUK, CHENNAI.
- 2 THE DISTRICT COLLECTOR,
COLLECTORATE OFFICE, TRICHY DISTRICT.
- 3 THE DISTRICT SOCIAL WELFARE OFFICER,
COLLECTORATE BUILDING, TRICHY.
- 4 THE CHAIRMAN,
CHILD WELFARE COMMITTEE,
HAVING OFFICE AT
OBSERVATION HOME AT BABU ROAD (EAST BOULEVAR ROAD), TRICHY.
- 5 THE SUPERINTENDENT OF POLICE,
TRICHY DISTRICT, TRICHY.

COPY TO: THE SECRETARY,
DISTRICT LEGAL SERVICES AUTHORITY,
TRICHIRAPPALLI

- +1. C.C. to M/S.M.SIDDHARTHAN Advocate SR.No.55025
+1. CC TO THE SPECIAL GOVERNMENT PLEADER IN SR.NO.21766

am/tsg

CSL/PM-PN/SAR-II/28.04.2017 : 5P/9C

ORDER

IN

WP(MD) No.8122 of 2017

Date :28/04/2017