

8807

21/8/14



GOVERNMENT OF KERALA

Abstract

Social Justice Department - Judgment in W.P(C)No.17766/2011 filed by Shri. Abdul Latheef & W.P(C)No.4753/14 filed by Shri.Fakhrudeen.K & Sri.Muhammadali - Representation disposed of - Direction complied with - Orders Issued.

SOCIAL JUSTICE (A) DEPARTMENT

G.O.(Rt)No.528/2014/SJD

Dated, Thiruvananthapuram, 16.08.2014

Ref:- 1. G.O.(P) No.25/12/SJD dated 13.4.2012

2. Proceedings No.J1-2014/8785/9 dated 6.2.2014 of the District Collector, Palakkad
- 3 Judgment in W.P(C)No.17766 of 2011 & W.P(C) No.4573 of 2014 dated 11.6.14.
4. Representation dated 1.6.14 submitted by Sri.Fadhrudeen.K, General Secretary, Beeran Ouliya IImul Yakheen Residential Madrassa, Mannarkadu, Palakkad

**ORDER**

Shri.Abdul Latheef who was running an Orphanage for girls between the ages 3 to 16 years at Kajirampuzha, Ambamkunnu have filed W.P(C)No.17766/2011 before the Hon'ble High Court seeking a direction to respondents ie District Collector & Others to prevent the 4th respondent (first petitioner in W.P(C)No.4753 of 2014) from functioning as an Orphanage against the provisions of the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 and the Rules made there under. The W.P(C)No.4753/2014 filed by Shri.Fakhrudeen.K challenged the Ext.P6 order issued by the District Collector, Palakkad as per proceedings 2nd paper read above whereby the District Collector had ordered to shut down the Beeran Ouliya IImul Yakheen Residential Madrassa.

2. In the judgment dated 11.6.14, the Hon'ble High Court directed the petitioner to approach the Government with proper representation within one month from the date of order. In the event of filing such a representation the same shall be disposed of after affording the petitioners in both the Writ petitions an opportunity of being heard and it shall be completed within a period of two months from the date of filing of the representation.

3. The petitioner has filed a representation as per letter read as 4th paper above. The petitioners Shri.Fakhrudeen.K, and Shri.Muhamadali in W.P.(C) No.4753/2014 were heard on 24.07.14. As per Section 13 of Orphanage and Other Charitable Homes (Supervision & Control) Act 1960, no person shall maintain or conduct any home except under, and in accordance with, the conditions of a certificate of recognition granted under the Act. The petitioner failed to produce the certificate of recognition either from the Social Justice Department or from the Education Department to conduct Orphanage or Educational Institution. Moreover, as per G.O 1st cited a new institution shall have a minimum distance of 5 km from the existing similar institutions in the Corporation and

Municipal area and 10 km in Grama Panchayat area. Here the petitioner's institution is adjacent to respondent's institution.

4. The petitioner in W.P(C)No.17766/2011 was heard on 6.8.2014. The applicant has submitted the valid certificate of recognition name 'Beeran Ouliya Girls Orphanage & Destitute Home' issued by the **Board of Control for Orphanages and other Charitable Homes, Kerala.**

5. After having examined the representation submitted and considering the facts revealed during the hearing it is seen that the Ext.P6, order issued by the District Collector, Palakkad is legally in order and hence no reconsideration is warranted. The acts and omissions on the part of the Beeran Ouliya Iimul Yakheen Girls Home are violative of the Provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 and the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 and Rules framed there under. Moreover the Home had not cared to obtain registration under the Act or shift the children in need of care and protection to any authorized institutions.

6. In the above circumstances the request of the petitioner in W.P(C)No.4753/2014 is rejected and the representation dated 17.6.2014 is disposed of accordingly. The direction contained in the Judgment of Hon'ble High Court read above is complied with.

(By Order of the Governor)

**L.A.GREGORIOUS**

Deputy Secretary

for Additional Chief Secretary to Government

To

Advocate General, Ernakulam.

The District Collector, Palakkad

Shri.Fakhrudeen.K, Secretary, Beeran Ouliya Iimul Yakheen Residential Madrasa Ambamkunnu, Mannarkkad, Palakkad.

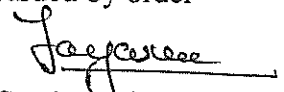
Shri.Muhamadali, Kundil House, Kottoppadam, Mannarkkad, Palakkad

Shri.P.K.Abdul Latheef, Pollakunnam House, Chirakkalpady, Thrikaloor, Mannarkkad, Palakkad

✓ The Information Officer, Web & New Media, Information and Public Relation Department (for updating the official website)

Stock File/Office Copy

Forwarded by order

  
Section Officer