

APHC010511462024



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3310]

FRIDAY ,THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 26228/2024

Between:

Child Protection Network Cpn

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.KOPPARTHI SUMATHI

Counsel for the Respondent(S):

1.GP FOR WOMEN DEV CHILD WELFARE

The Court made the following:

ORDER

This petition is filed under Article 226 of the Constitution of India for the following relief:-

“...pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in Letter No 428/2024/MVS/DCPU dated 23.10.2024 in insisting the petitioners institutions to be registered under the provisions of the Juvenile Justice Care and Protection of Children Act, 2015 and amended Act 2021 and as per Section 21 of the Juvenile Justice Child Care and Protection of Children

Regulations, 2016 and Amended Regulations 2022 and that the 3rd respondent in proceedings No.01/ADPO/20 dated 27.08.2024 are illegal and arbitrary action in issuing the order to shift the children from nine hostels of Kakinada District out of which the four hostels fall under CP Network does not fall under the category of the definition of the word Child in Need of Care and Protection CNCP under the Juvenile Justice Care and Protection of Children Act 2015 and need not be registered under Section 41 of the Juvenile Justice Care and Protection of Children Act 2015 are violative of Articles 14, 19 and 21 of Constitution of India and consequently direct the set aside the Notification and Letter No 428/2024/MVS/DCPU dated 23.10.2024 issued by the respondents pass...”.

2. The case of the petitioner in brief is that the Child Protection Network in short “CPN” is registered under Andhra Pradesh Society Registration Act 35 of 2001 with its Registration No.160 of 2016. After having clarified the fact that the JJ Act is meant only for child in need of care and protection, Child Protection Network Society made a resolution which was unanimously passed in the governing body of the petitioner that they will not further approach for renewal of Child Care institution under JJ Act instead function as hostels to promote education. The 3rd respondent vide proceedings, dated 27.08.2024 ordered to shift 129 children from nine identified un-authorized hostels to nearby welfare hostel and registered CCIs. The children shifted to the registered CCIs are without registration under JJ(C & P) Act. Soon after shifting of children from nine hostels on 27.08.2024, the Child Protection Network submitted a representation on 30.08.2024 to the 6th respondent for restoration of those children back to the same hostels and proper implementation of the JJ (C & P) Act. While so, the State Government

has issued a notification where under application from Child Care Institutions are invited to submit their application on prescribed format on or before 11.11.2024. As the petitioner is only imparting education, they did not submit any application. Hence, the present Writ Petition.

3. Heard Smt K.Sumathi, learned counsel for the petitioner and the learned Assistant Government Pleader for Women Development and Child Welfare appearing for the respondents.

4. On hearing, learned counsel for the petitioner submits that children are admitted in the hostels only for the purpose of stay and education but not for restoration and rehabilitation. She further submits that Section 41 of the Juvenile Justice(Care and Protection of Children) Act, 2015 (for short 'JJ Act) only applies to the housing children in need of care and protection, but not for the children who are undergoing education. Hence, the registration as mandated under Section 41 of the JJ Act does not applies to the present case on hand. Hence, the learned counsel for the petitioner requests to pass appropriate orders.

5. Whereas, learned Assistant Government Pleader submits that the State Government of Andhra Pradesh has issued a notification inviting applications from Child Care Institutions to submit their applications on or before 11.11.2024. But, without submitting application as per Section 41 of the JJ Act, the petitioner has straight away filed this Writ Petition which is not maintainable. Hence, requests to dismiss the Writ Petition.

6. Considering the submissions of both the learned counsel, as Section 41 of the JJ Act, clearly mandates all institutions, whether run by a State Government or by voluntary or non-governmental organizations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall be registered under the JJ Act, the petitioner has not submitted any application to the respondent authorities for registration and has filed this Writ Petition.

7. Hence, the petitioner is directed to submit an appropriate application for registration before the respondent authorities on prescribed format along with relevant documents within a period of ten (10) days from the date of receipt of a copy of this order. If any such application is not filed by the petitioner within the time stipulated above, the respondents are directed to take appropriate action against the petitioner in accordance with law.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

Date : 15.11.2024
TM

DR. K. MANMADHA RAO, J.

HON'BLE DR. JUSTICE K. MANMADHA RAO

WRIT PETITION NO: 26228/2024

Date :15.11.2024

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