

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

WEDNESDAY, THE TWENTY SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT. JUSTICE KIRANMAYEE MANDAVA

IA No.2 OF 2025

IN

WRIT PETITION NO: 26228 OF 2024

IA No.2 OF 2025

Between:

Child Protection Network "CPN", Represented by its Coordinator Chittumuri Nani Babu aged about 42 years, S/o Rooben, H. No. 1-22, SC Colony, Prathipadu Mandal, VTC Chintaluru Post, Chintaluru Village, Parathipadu, East Godavari District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Represented by its Commissioner-Cum-Spl. Secretary, Department of Women Development and Child Welfare, AP, Secretariat Velagapudi, Amaravathi, Guntur District.
2. The Director, Women Development and Child Welfare Department of Andhra Pradesh., Dr. No. 3-1-265/4A, Govt. Observation Home For Boys Premises, Near Kabela Centre, Rotary Nagar, Vijayawada – 520012, NTR District, erstwhile Krishna District,
3. The District Collector and Magistrate, Kakinada District, erstwhile East Godavari District
4. The District Women and Child Welfare and Empowered Officer, Anakapalli District erstwhile East Godavari district.
5. The Joint Director, Social Welfare Department, Kakinada, Kakinada District. Erstwhile Godavari District.



6. The Additional District Probation Officer, JWCS and WSC Department , Kakinada Kakinada District, erstwhile East Godavari District.
7. The District Child Protection Officer, Kakinada District, erstwhile East Godavari District.
8. The Chairperson, Child Welfare Committee, Rajamahendravaram, Kakinada District, erstwhile East Godavari District.

...RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the authorities not to shift the children from the hostels affiliated with the petitioner network and if already shifted, to re-shift the children back to the hostels affiliated with the petitioner network as they do not fall under the ambit of Sections 2(13) and 2(14) and further direct the respondent authorities not to take coercive steps by insisting the petitioner members to register under Section 41 of the JJ Act, 2015, pending adjudication of the present Writ Petition.

WRIT PETITION NO: 26228 OF 2024

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be 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.

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents authorities to restore back the shifted children to the same hostel for the purpose of continuing education since they are not falling under the category of CNCP without compelling for registration under JJ Act though there are Non CNCP Children residing in the hostels, pending disposal of the Writ Petition.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the notification and Letter No. 428/2024/MVS /DCPU dated 23-10-2024 and not to interfere in any manner with the petitioner pending disposal of the above writ petition.

Counsel for the Petitioner: SRI J. SUDHEER

Counsel for the Respondent Nos.1 to 8: GP FOR WOMEN

DEVELOPMENT AND CHILD WELFARE

The Court made the following: ORDER

APHC010511462024



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

[3458]

WEDNESDAY, THE TWENTY SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

IA 2 OF 2025

IN

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. J SUDHEER

Counsel for the Respondent(S):

1. GP FOR WOMEN DEV CHILD WELFARE

The Court made the following:

ORDER:-

Heard Sri J.Sudheer, learned counsel for the petitioner and learned Government Pleader for Women Development and Child Welfare.

2. Grievance of the petitioner is that the provisions of Juvenile Justice Act would not apply to the petitioner and its associate institutions. It is contended that the petitioner does not house the children that fall within the definition of CNCP and CICL. Children, who are admitted in the hostels, are

those who have their parents/guardian/legal guardians and with their consent they would admit the children. Only those under privileged children and the children, who lack educational facilities at home, are provided accommodation and education in their hostels. Therefore, the provisions of JJ Act would not apply, the only provisions which may apply to them would be the provisions of 'National Commission for Protection of Child Rights'. Therefore, prays for grant of interim directions to repatriate the children those who have been placed by the respondents in child care institutions.

3. The learned Assistant Government Pleader for Medical and Health would contend that the notification issued by the department is a general notification not aiming at the petitioner alone. If the petitioner feels that the provisions of the JJ Act are not applicable to them, they need not register themselves however will be subject to scrutiny. He further contends that if the provisions are not applicable to them, the petitioner can give a declaration before the District Magistrate.

4. I have given my anxious consideration to the contentions advanced.

5. Having regard to the definition of 'Children in Need of Care(CNCP) and Protection' under the JJ Act, which, *inter alia*, provides that the children, who is found without any ostensible means of subsistence would also fall within the definition of the word 'CNCP'. The contention of the petitioner is that it would be at best governed by the provisions of 'NCPCR' act

and not the provisions of JJ Act, may require further examination after filing of the counter affidavits of the respective respondents. Matter requires consideration.

6. By the next date of hearing, the petitioner is directed to place the material before the Court to substantiate its claim that the petitioner and its constituents would not fall within the definition of 'CNCP'.

7. In the meanwhile, the 3rd respondent is directed to repatriate the children taken by them from the constituents of the petitioner viz., Kalvari Sandhesh Ministries, Our Fathers' Home Ministries, Amazing Grace Association, Bethesfa Evangelical Interior Ministries, Newman Mission House of Hope for Boys Home. On such repatriation, the petitioner shall ensure that the children are provided with proper nutritious food, medical care and that their safety is taken care of.

WRIT PETITION NO: 26228/2024

List on 09.04.2025.

**Sd/- K. TATA RAO
DEPUTY REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Commissioner-Cum- Spl Secretary, Department of Women Development and Child Welfare, State of Andhra Pradesh, AP, Secretariat Velagapudi, Amaravathi, Guntur District.
2. The Director, Women Development and Child Welfare Department of Andhra Pradesh, Dr. No. 3-1-265/4A, Govt. Observation Home For Boys Premises, Near Kabela Centre, Rotary Nagar, Vijayawada - 520012. NTR District, erstwhile Krishna District,
3. The District Collector and Magistrate, Kakinada District, erstwhile East Godavari District

4. The District Women and Child Welfare and Empowered Officer, Anakapalli District erstwhile East Godavari district.
5. The Joint Director, Social Welfare Department, Kakinada, Kakinada District. Erstwhile Godavari District.
6. The Additional District Probation Officer, JWCS and WSC Department , Kakinada Kakinada District, erstwhile East Godavari District.
7. The District Child Protection Officer, Kakinada District, erstwhile East Godavari District.
8. The Chairperson, Child Welfare Committee, Rajamahendravaram, Kakinada District, erstwhile East Godavari District.
9. One CC to Sri J. Sudheer, Advocate [OPUC]
10. Two CCs to GP for Women Development and Child Welfare, High Court Of Andhra Pradesh. [OUT]
11. Three CD Copies.

ssb

HIGH COURT

DATED:26/03/2025

ORDER

IA No.2 of 2025

in

WP.No.26228 of 2024



DIRECTION