

WP-29265-2021

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The High Court Of Madhya Pradesh
WP No. 29265 of 2021

(SINTOO VIRGHESE Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Jabalpur, Dated : 06-01-2022

Shri Amit Mishra, learned counsel for the petitioner.

Shri Sheetal Tiwari, learned Panel Lawyer for the respondent/State.

The petitioner is a society, who is running an orphanage in the name and style of Saint Francis Orphanage Sagar.

The grievance of the petitioner is that CWC by the order dated 29.12.2021 has directed to remove three of the children from the orphanage. It is submitted that at present there are 44 children staying in the orphanage and there is no complaint against the orphanage by those children or any other person. However, without any explanation or reason, direction to shift these three children from the orphanage has been passed.

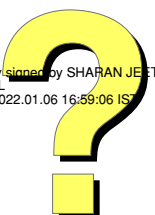
Learned counsel for the State was directed to seek instructions in this regard. It is informed that the CWC along with the Police forces is trying to remove not only the three children mentioned in the said order but the remaining 41 children also.

There is nothing on record as to under what circumstances and what provision the children are being shifted from the orphanage to some other place.

It is pointed out by learned counsel for the State that the license of the society has not been renewed which is disputed by Shri Mishra. It is stated that his application for renewal is already pending before the authority concerned and no order has been passed on the same yet. Despite that the children from the orphanage are being shifted in a high handed manner from the orphanage during the present Covid scenario.

Considering the aforesaid, I deem it proper to direct the authorities not to shift the children right now. The order dated 29.12.2021 is stayed.

Respondent No.6-Child Welfare Committee (CWC), district Sagar (M.P.) is also directed to submit a report regarding why the children are being



shifted in this cold weather and at this difficult time when there is a rising threat of Covid/Omicron. They are also to submit in their report what was the condition of the orphanage where presently the children are staying and what is the condition or availability of space where they are trying to shift all these 44 children.

Let this report be presented before this Court within a period of two weeks.

Let the notices be issued to the respondents on payment of process fee within seven days by ordinary as well as RAD mode, returnable within three weeks.

A copy of this order be supplied to the counsel for the State for necessary compliance and information.

Certified copy today.

(NANDITA DUBEY)
JUDGE

sjk

