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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7718/2013, CM APPL. 16447/2013, CM APPL. 7937/2024
CM APPL. 7942/2024, CM APPL. 7946/2024 & 11255/2024

MAHANAGAR TELEPHONE NIGAM LTD. Petitioner

Through: Ms. Ekta Sikri and Mr. Akshit Gupta,
Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

Respondents

Through: Mr. Harshit Chopra, Adv. for South
DMC/R-1 (MCD)

Mr. Anuj Aggarwal, ASC (GNCTD)
alongwith Mr. Yash Upadhyay and
Mr. Siddhant Dutt, Adv. for R-
DWCD, GNCTD.

Mr. Hemant Mehta, Legal cum
Probation Officer from Department of
Women and Child Development
(GNCTD).

Mr. Chirag Kher, Ms. Samprikta
Ghoshal, Ms. Mahima Malhotra and
Mr. Ujjwal Sugandh, Adv. for R-5.
Insp. Raj Kumar Pal, PS Najafgarh in
person.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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03.05.2024

1. Affidavit dated 14.03.2024 filed on behalf of M/s N. S. Educational and Charitable Society is taken on record.
2. In view of the said affidavit dated 14.03.2024 filed in compliance with the directions contained in the order dated 29.02.2024, M/s N. S. Educational and Charitable Society is impleaded as a respondent in the



present petition. Let an amended memo of parties be filed by the petitioner, within a period of one week from today.

3. Attention has been drawn to an affidavit filed on behalf of the Department of Women and Child Development dated 13.03.2024, wherein, the following observations have been made with regard to the visit/inspection of the concerned premises, in which, destitute women and children have still been staying :-

“The observations during the visit are given below:-

1) As per record available 121 inmates are residing in the premises out of 66 are minor and 55 are major (above 18 years of age).

2) As per finding few minors are residing with their mothers and small babies are staying with their mothers and other children are staying with their sisters, cousin sisters, relatives and neighbour of their native places. Majority of them are with their distant relative and acquaintance of native place.

3) There was no age segregation of inmates in the dormitories.

4) Majority of children are from others state mainly Uttar Pradesh and Bihar.

5) Some abandoned children were staying in the Institution and also children whose have parents.

6) All children have their Aadhar cards at the same address but all the Aadhar cards are edited and may be fake. It was observed that address mentioned in the identity documents (Aadhar Card) was of the said premises only.

7) There is no system for health check-ups upon admission and there are no regular quarterly check-ups. Additionally, there is a lack of proper maintenance for health records.

Sweet Home was register under the JJ Act 2015 for the period from 20.06.2016 to 19.06.21 but as they failed to comply orders/directions of CWC Inspection team as per provisions of J. J. Act, 2015. Sweet Home requested to surrender his registration with Department, Sweet Home has been closed on 10.12.20 as per order of CWC and all children has



been transferred and restored to their family as per the order of CWC-VII (Order Enclosed)

Even after the closure order by Department of Women and child Development, Govt. Of NCT of Delhi, Incharge/Founder Sweet Home continued to house minors and set free children in the said premises. After the information received CWC directed to rescue minors for said institution on 08.09.2021.

Sweet Home visited by the rescue team on 8 September 2021, 16 children, 37 women and 3 children below 5 years were found in the CCI. Some children below to 18 years were staying with their elder sister. And some girls were found without any parents/guidance. When the team asked the children to come with the team, Mr. Avinash jain did not cooperate. He also taught the girls and women to oppose the rescue of children. Due to the non-cooperation of Avinash Jain and the staff of the Institution, the children could not rescue.

Founder of Sweet Home is a repeated offender and he has not cooperated in formal manner with team and also misbehave with our senior district officer at the time of DIC visit even we had Hon'ble High Court Order. He has 78 Children in the Sweet Home at present.

It is requested by DIC to District Magistrate for legal action against the Sweet Home anathalayas owner and seal the anathalaya in the best interest of the children. It is also requested to Child welfare committee for transfer the all children in child care institution for better care and protection.

4. Attempts on the part of N. S. Educational and Charitable Society/Sweet Home to obstruct/ impede the inspection conducted pursuant to the directions of this Court is unfortunate.

5. The concerned District Magistrate, South-West, as also the concerned SHO of Local Police Station are directed to ensure that any inspection that may be conducted by the Department of Women and Child Development or any other agencies of the Government of NCT of Delhi (GNCTD) in future is not impeded.

6. Further, the GNCTD is stated to have issued a show cause notice to the Superintendent "Sweet Home Orphanage" dated 29.04.2024. Let the



show cause notice be adjudicated expeditiously, preferably within a period of two weeks from today.

7. N. S. Educational and Charitable Society is also at liberty to file an additional affidavit, if any, within a period of one week from today.

8. The parties are also at liberty to file their respective short synopsis of submissions, before the next date of hearing.

9. None has been appearing on behalf of the respondent nos.6 and 7 since 2017. Issue court notice to the said respondents for the next date of hearing, through all permissible modes, including electronically. The matter shall be taken up for hearing and final disposal, even if there is no appearance on behalf of the said respondents, on the next date of hearing.

10. List for final disposal of the present writ petition and pending application(s) on 16.05.2024, in the category of “Supplementary Matters” as Part-Heard.

SACHIN DATTA, J

MAY 3, 2024/r