

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

CONT.P.No.2825 OF 2014

in

Cr1.O.P.No.11771 of 2014

T.Elangovan ... Petitioner/Petitioner
vs.
1.Saundarya, I.A.S.,
District Collector
Chennai District
62, Rajaji Salai
Chennai-600 001
Chennai
2.K.George, I.P.S.,
Commissioner of Police
Chennai City
Chennai-600 007
3.Rubeen Raj
Inspector of Police
P-1, Pulianthope
Chennai-600 012 ... Respondents/Respondents

PRAYER: Contempt Petition is filed under Sections, 10, 11 & 12 of the Contempt of Courts Act, 1971, to punish the respondents for willfully disobeying the Order, dated 08.05.2014, in Cr1.O.P.No.11771 of 2014, passed by this Court.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.M.S.Ramesh, A.G.P., for R1
Ms.M.F.Shabana
Govt.Adv.(Cr1.Side) for R2 & R

* * * * *

O R D E R

The petitioner has filed this contempt petition to
<https://hcservices.ecourts.gov.in/hcservices/>
punish the respondents for willfully disobeying the Order

of this Court, dated 08.05.2014, in CrI.O.P.No.11771 of 2014.

2. The short facts of the case are as follows:

The petitioner submits that he lodged a complaint before the third respondent/Inspector of Police on 25.04.2014, against one Mr.T.Udayakumar, Managing Director of M/s.Landmark Housing Projects, Chennai, with regard to illegal demolition of residential houses and restore the basic amenities. Since the third respondent Police remained silent, after receipt of the said complaint, the petitioner filed a criminal original petition in CrI.O.P.No.11771 of 2014, under Section 482 Cr.P.C., before this Court and this Court, after hearing both sides, by order dated 08.05.2014, directed the petitioner to lodge a fresh complaint before the Assistant Commissioner and the Assistant Commissioner, on receipt of the complaint, shall investigate the same and act in accordance with law. Based on the said order, dated 08.05.2014, passed by this Court, the third respondent registered a case in Crime No.1334 of 2014, on 22.05.2014, under Sections 3(i)(v), 3(x) and 3(xv) of SC & ST (Prevention of Atrocities) Act, 1989. Thereafter, the petitioner sent one more detailed complaint to the Assistant Commissioner, P-1 Pulianthope Police Station. But, the Assistant Commissioner referred the case

as false. Therefore, the petitioner has filed this contempt petition before this Court.

3. The respondent/Assistant Commissioner of Police filed his counter affidavit stating that he tenders his unconditional apology before this Court for any wrong doing on the part of the respondents. There is neither willful nor deliberate intention to disobey the order of this Court. However, if the Court comes to the conclusion that contempt has been committed by the respondents, he once again tenders his unconditional apology before this Court. The petitioner filed a direction petition before this Court in Crl.O.P.No.11771 of 2014 seeking a direction upon the respondents to register a case based on his complaint and investigate the same in accordance with law. This Court, by order dated 08.05.2014, directed the petitioner to submit a fresh complaint before the Assistant Commissioner and directed the Assistant Commissioner, on receipt of the said complaint, to investigate the same and act in accordance with law. But, the petitioner lodged a complaint, dated 20.05.2014, stating that the occurrence had happened on 19.05.2014 and the Land Mark Housing Projects, Chennai, demolished the B & C Mill Employees' Quarters allotted to one Vimalamanohari, wife of Late: Stephen Chelladurai (Ex. B & C Mill Employee) and

Rajanee, wife of Ethiraj (Ex.B & C Mill Employee). However, the petitioner did not give the fact of the complaint, dated 25.04.2014. The gist of the case is as follows:

"The case of the prosecution is that the complainant/petitioner-T.Elangovan has stated that the accused Udhayakumar, Managing Director of M/s.Landmark Housing Projects, Chennai-17 is threatening poor dalits of Barracks Land Village (B & C Mill) to their lives and their houses. He is using all kind of illegal forces to evict dalit residents of barrack land village (B & C Mill) in an unlawful method by using anti-social elements, when the civil suit in O.S.No.396 of 2011 is pending before the Court of law."

4. Further, he submits that however, the accused Udhayakumar is using muscle power to grab the houses of dalits viz., E.Rajenee and Vimalamanohari, being demolished on 19.05.2014 at 04.00 p.m., using force by their anti-social elements, which kind of act shows that he is taking the law in his hands and it is challenging the High Court

<https://hcservices.ecourts.gov.in/hcservices/> and Government authorities, which kind of act in cent

percent atrocities against Scheduled Caste. In the light of the above, the Dalit families are living in a pathetic condition in the B & C Mill Quarters. As per the directions given by this Court and based on the complaint lodged by the petitioner, a case was registered in Crime No.1334 of 2014, under Sections 3(i), 3(x), (xv) of SC & ST (Prevention of Atrocities) Act, 1989 by the third respondent/Inspector of Police, on 22.05.2014 and the same was submitted before him for investigation.

5. The respondent/Assistant Commissioner of Police further submits that he has visited the scene of occurrence and prepared a rough sketch and observation mahazar in the presence of the witnesses, namely, Ramamoorthy and Mohan and recorded their statements and also the witnesses of the following:

- 1.Elangovan-Complainant (SC Community)
- 2.Rajenee-SC Community
- 3.Vimalamanohari-SC Community
- 4.Vijayakumar-Friend of the Complainant (MBC Community)
- 5.Thangavel-Father of the complainant (SC Community)
- 6.Rochandan-Ex.Employee of B&C Mill (SC Community)

7.Anbalagan-Ex.Employee of B&C Mill (SC Community)

8.Ramachandran-Ex.Employee of B&C Mill (SC Community)

9.Manoharan-Ex.Employee of B&C Mill (SC Community)

10.Kamaraj-Mesan of B&C Mill (SC Community)

11.Senthil-Electrician of B&C Mill (SC Community).

The witness Nos.6 to 11 have stated in their evidence that the above said occurrence did not happen and the victim's house was not demolished by Landmark Housing Project Limited.

6. He further submits that based on the statements of the witnesses and based on the legal opinion of the Special Public Prosecutor of SC & ST, on 24.06.2014, the case was referred as 'Further Action Dropped' and the same was informed to the petitioner on 26.06.2014 and filed the final report before the learned Metropolitan Magistrate No.V, Egmore, on 27.06.2014. In the meantime, the petitioner filed a petition in CrI.O.P.No.17268 of 2014, before this Court, seeking a direction upon the respondents to transfer the investigation in Crime No.1334 of 2014, from the file of the third respondent/Inspector of Police to the file of the Inspector of Police, CBCID, Chennai. But, this Court, after hearing both sides, by Order, dated

necessary, since the final report has already been filed and RC notice has also been served on the petitioner.

7. Further, he submits that the petitioner filed a writ petition before this Court, in W.P.No.20771 of 2014, seeking a direction upon the respondents 2 and 3 therein/the Secretary to Government, Home Department, and the District Collector, Chennai District, to construct houses and take rehabilitation at Barracks Village, Pattalam, Chennai-12, as per the report of the Director of SC & ST Commission, dated 09.07.2014 and as per the provisions of SC & ST (Prevention of Atrocities) Act, 1989 and this Court, by order, dated 02.12.2014, dismissed the writ petition. In such circumstances, the petitioner filed a petition in CrI.M.P.No.1986 of 2014, before the learned Metropolitan Magistrate No.V, Egmore, Chennai, to reject the closure report and issue a process to the accused and try them in accordance with law and the same is also pending disposal.

8. He further submits that one Mr.Sundaramurthy, Manager of Land Mark Housing Projects Pvt., Ltd., lodged a complaint against the petitioner and one Nirmal stating that they threatened him saying that since they belonged to Dalit community, they will utilize the same and lodge a

complaint against him and see to it that he will be arrested and that he will have to be careful while dealing with them. Based on the said complaint, C.S.R.No.288 of 2014, dated 09.05.2014, issued by the third respondent/Inspector of Police. During the course of enquiry, the said Sundaramurthy filed a criminal original petition in Cr1.O.P.No.12710 of 2014 seeking a direction upon the respondents to register his complaint, dated 09.05.2014 and to investigate the same. This Court, by order dated 15.05.2014, directed the Station House Officers concerned to deal with the complaints received in accordance with the directions of the Apex Court and directed the Station House Officers to file final report as expeditiously as possible in the event of FIR being registered and that apart gave liberty to the complainant Sundaramoorthy to invoke Sections 154(3) or 156(3) Cr.P.C., or to work out further remedy in accordance with law in the event of the failure on the part of the Station House Officers. Based on the said direction given by this Court, the third respondent/Inspector of Police registered a case in Crime No.1801 of 2014, under Sections 448, 294(b), 341 and 506(ii) I.P.C., and the same is under investigation.

9. Further, he submits that the petitioner has also

the closure report and proceedings in this regard are pending. The respondents with utmost sincerity have complied with the directions of this Court and the contention of the petitioner that the respondents have disobeyed the orders of the Court is false. If the petitioner has any grievance on the merits of the closure report, the same will have to be adjudicated before the appropriate alternative forum, viz., Metropolitan Magistrate No.V, Egmore, Chennai. Therefore, he prays to dismiss this contempt petition.

10. The respondent/Inspector of Police has filed his counter affidavit stating that the petitioner filed a criminal original petition before this Court, in CrI.O.P.No.11771 of 2014, seeking a direction upon the respondents to register and investigate his complaint, dated 25.04.2014, in accordance with law and this Court, by Order, dated 08.05.2014, directed him to submit a fresh complaint before the concerned Assistant Commissioner and directed the Assistant Commissioner to investigate the same and act in accordance with law on receipt of such a complaint. But, the petitioner lodged a complaint, dated 20.05.2014, stating that the occurrence had happened on 19.05.2014 and the Land Mark Housing Projects, Chennai, demolished the B & C Mill Employees' Quarters allotted to

one Vimalamanohari, wife of Late.Stephen Chelladurai (Ex. B & C Mill Employee) and Rajanee, wife of Ethiraj (Ex.B & C Mill Employee). However, the petitioner did not give the fact of the complaint, dated 25.04.2014. As per the direction of this Court, the petitioner lodged a complaint before the respondent/Assistant Commissioner of Police on 20.05.2014. The gist of the case is as follows:

"The case of the prosecution is that the complainant/petitioner-T.Elangovan has stated that the accused Udhayakumar, Managing Director of M/s.Landmark Housing Projects, Chennai-17 is threatening the poor dalits of Barracks Land Village (B & C Mill) to their lives and their houses. He is using all kind of illegal forces to evict dalit residents of barrack land village (B & C Mill) in an unlawful method by using anti-social elements, when the civil suit in O.S.No.396 of 2011 is pending before the Court of law."

11. Further, he submits that however, the accused Udhayakumar is using muscle power to grab the houses of dalits viz., E.Rajenee and Vimalamanohari, being demolished

on 19.05.2014 at 04.00 p.m., using force by their anti-social elements, which kind of act shows that he is taking the law in his hands and it is challenging the High Court and Government authorities, which kind of act in cent percent atrocities against Scheduled Caste. In the light of the above, the Dalit families are living in a pathetic condition in the B & C Mill Quarters. As per the directions given by this Court and based on the complaint lodged by the petitioner, a case was registered in Crime No.1334 of 2014, under Sections 3(i), 3(x), (xv) of SC & ST (Prevention of Atrocities) Act, 1989 by the respondent/Inspector of Police, on 22.05.2014 and the same was submitted before him for investigation.

12. The third respondent further submits that the then Assistant Commissioner of Police visited the scene of occurrence and prepared a rough sketch and observation mahazar in the presence of the witnesses, namely, Ramamoorthy and Mohan and recorded their statements and also examined several witnesses and recorded their statements. Some of the witnesses have stated in their evidence that the above said occurrence did not happen and the victim's house was not demolished by Landmark Housing Project Limited.

13. He further submits that based on the statements of the witnesses and based on the legal opinion of the Special Public Prosecutor of SC & ST, on 24.06.2014, the case was referred as 'Further Action Dropped' by the Assistant Commissioner of Police and the same was informed to the petitioner on 26.06.2014 and the final report was filed before the learned Metropolitan Magistrate No.V, Egmore, on 27.06.2014. In such circumstances, the petitioner filed a petition in CrI.M.P.No.1986 of 2014, before the learned Metropolitan Magistrate No.V, Egmore, Chennai, to reject the closure report and issue a process to the accused and try them in accordance with law and the same is also pending disposal. Therefore, he prays to dismiss this contempt petition.

14. Mr.R.Sankarasubbu, highly competent counsel, appearing for the petitioner submitted that the father of the petitioner was allotted a residential quarter by the Management of B & C Mills, wherein he was a worker. Subsequently, the said B & C Mill was declared as a sick unit, however the proceedings are pending before B.I.F.R., New Delhi. Besides, the Management of B & C Mills had taken part on real estate business and entered into an illegal agreement for the sale of their lands with the said

houses, wherein the Dalit people are residing. The said T.Udayakumar had partly demolished the houses. Further, as per the direction given by this Court, a criminal case had been registered, but no comprehensive enquiry was conducted, but the case was closed as false.

15. The very competent counsel further submits that the said Udayakumar had engaged a JCB Machine and demolished the house of the petitioner including the statue of Dr.Ambedkar and in support of his contention, he has annexed the photographs to that effect. Therefore, it is clear that the respondents have not rendered their service promptly and failed to maintain law and order. The respondents 1 and 2, namely, the District Collector and City Commissioner of Police have been silently watching the incident and failed to take appropriate action against the respondent/Inspector of Police, who is the erring officer and who colluded with the accused Udayakumar, who made a wrong entry into the *defacto* complainant's property and demolished his house and the house of others too, by engaging a JCB Machine. The occurrence area is under the control of the respondents 1 and 2, but they did not exercise their power for better administration and maintaining law and order. Therefore, the respondents 1 and 2 are jointly responsible for the illegal action and on

being silent spectators of this gruesome act. Hence, both the top I.A.S., officer and I.P.S., officer are jointly responsible for the protection of the Dalit people, but have failed to do so. The contempt petition is squarely applicable to all the respondents since they functioned with mala fide intentions. They did not render adequate service to the public, as such the top most officers have lost their confidence with the opinion of the public.

16. Mr.M.S.Ramesh, highly competent Additional Government Pleader, appearing for the first respondent submits that the first respondent/District Collector is not at all a party in the present case. The petitioner made allegation that one T.Udayakumar made a wrong entry and demolished the dwelling houses occupied by the Dalit community people for residential purpose. Hence, the petitioner filed a criminal original petition in CrI.O.P.No.11771 of 2014 before this Court and this Court, by an order, dated 08.05.2014, directed the petitioner to lodge a fresh complaint before the concerned Assistant Commissioner and directed the Assistant Commissioner to investigate the case and act in accordance with law on receipt of such complaint. Based on the said direction, the respondents, namely, Assistant Commissioner of Police and Inspector of Police, have jointly conducted an enquiry

and registered a case under the provisions of SC & SC (Prevention of Atrocities) Act, 1989. Thereafter, the Investigating Officer conducted a detailed enquiry with the witnesses including the *de facto* complainant and thereafter closed the case as a mistake of fact. Subsequently, the petitioner filed several cases, namely, before the National SC/ST Commission, writ petition before this Court and civil suit before the Court of law. The administrative order of the District Collector is not warranted in the instant case, since the issue is pending on the various judicial forums.

17. Further, the very competent Additional Government Pleader submits that the area under dispute does not portend to be a tense or nervous situation. However, the dutiful Collector is monitoring the situation and keeping matters under her control. Besides, there is no specific direction to the District Collector in the said CrI.O.P.No.11771 of 2014. However, the first respondent/District Collector is maintaining due respect to this Court. Hence, the learned Additional Pleader makes a deep request to dismiss the contempt petition, since there is no disobedience or disrespect having been committed by the District Collector.

18. Ms.M.F.Shabana, very Competent Government Advocate (Criminal Side) appearing for the respondents 2 and 3/City Commissioner and Inspector of Police and also appearing for Assistant Commissioner of Police has submitted that the petitioner filed a criminal original petition in CrI.O.P.No.11771 of 2014, before this Court, seeking a direction upon the respondents to register and investigate his complaint, dated 25.04.2014 and this Court, after hearing both sides, by order dated 08.05.2014, directed the petitioner to file a fresh complaint before the concerned Assistant Commissioner and directed the Assistant Commissioner to investigate the case and to act in accordance with law, on receipt of such complaint from the petitioner. Accordingly, the third respondent/Inspector of Police registered a case in Crime No.1334 of 2014, for the offence under SC & ST (Prevention of Atrocities) Act, 1989 and thereafter conducted a comprehensive enquiry and recorded the statements of the witnesses including the *de facto* complainant. Some of the witnesses have stated that no such occurrence had taken place as alleged by the complainant and therefore the third respondent/Inspector of Police closed the case as a mistake of fact.

19. Further, the very competent counsel further

Crl.M.P.No.1986 of 2014 before the learned Metropolitan Magistrate No.V, Egmore, Chennai, to reject the closure report of the respondents. Therefore, the issue has not attained finality. Under such circumstances, the petitioner has filed this contempt petition and hence the same is not maintainable. That apart, the petitioner filed another petition in Crl.O.P.No.17268 of 2014 before this Court seeking transfer of the case in Crime No.1334 of 2014, from the file of the third respondent/Inspector of Police to the file of the Inspector of Police, CBCID, Chennai. But, the same was dismissed by this Court, by order, dated 07.07.2014, on merits. Thereafter, the petitioner filed a writ petition in W.P.No.20771 of 2014 before this Court seeking a direction upon the respondents 2 and 3 therein, namely, the Secretary, who is attached to the Home Department and the District Collector, Chennai, to construct houses and take rehabilitation at Barracks Village, Pattalam, Chennai-12, as per the report of the Director of SC & ST Commission, dated 09.07.2014 and as per the provisions of SC & ST (Prevention of Atrocities) Act, 1989 and this Court, by order, dated 02.12.2014, dismissed the writ petition, by observing that the respondents are not guilty of practicing untouchability or oppression of the Scheduled Castes and hence there is no *prima facie* case on the side of the petitioner. Therefore, the closure of

F.I.R., is most appropriate and hence the contempt proceedings are not maintainable and hence the learned counsel for the State prays to dismiss the contempt petition.

20. Per contra, Mr.R.Sankarasubbu, highly competent counsel, appearing for the petitioner, has vehemently argued that this Court directed the Assistant Commissioner to investigate the complaint lodged by the petitioner and to act in accordance with law. Accordingly, the criminal case has been registered in Crime No.1334 of 2014, against the accused Udayakumar for the offence punishable under SC & ST (Prevention of Atrocities) Act, 1989. F.I.R., has been registered in accordance with the law since there is a *prima facie* case on the side of the petitioner. The highly competent counsel has annexed photographs to the effect that the said Udayakumar had engaged a JCP Machine and demolished the residential houses, wherein the petitioner and other Dalit people are residing. He is taking the law in his hands and made a wrong entry and demolished the houses. This kind of illegal activities is covered under the Indian Penal Code and also squarely covered under SC & ST (Prevention & Atrocities) Act, 1989. The respondent Police, with *mala fide* intention, closed the criminal case

turned hostile. However, rest of the five witnesses including the fourth witness, who belongs to a Caste Community Hindu, are constant. Therefore, the said criminal case is suitable for enquiry and the Judicial Forum/Special Court is the competent authority to decide the criminal case.

21. Further, the learned counsel argued that in the instant case, the respondent Police acted by assuming the position of judicial power of Judges and acquitted the accused on the basis of six witnesses turning hostile. As such, the respondent Police colluded with the accused Udhayakumar, who is financially sound, having physical power and politically being an influenced person. The closure of the complaint is as an afterthought. The nature of the offence is a public crime. The occurrence also noticed by the general public of the local area. The District Collector and the Commissioner of Police are more responsible to maintain better administration and peace, as well as maintaining law and order, but both of them are keeping silent, which is tantamount to negligence of service and failure to exercise their power to protect the Dalit people of their personnel rights and civil rights over their property. Both the District Collector and the

petition and writ petition filed by the petitioner before this Court and hence they are well aware of the entire incident and the occurrence area within their jurisdiction and control. Therefore, both of them are squarely attracted under the provisions of the Contempt of Court Act, since they have shown negligence and insufficiency of service, which is a sheer dereliction of duty. Therefore, Mr.R.Sankarasubbu, highly competent counsel for the petitioner, makes a deep request to enforce maximum punishment on the respondents/contemnors to the extent of removal from service in order to restore the confidence of the Dalit community. He has cited the decision in **Nadir Khan v. State (Delhi Administration)**, reported in **1976 AIR (SC) 2205** and the head notes of the said decision reads as under:

"Constitution of India, Article 136 - Criminal Procedure Code, 1973, Sections 407, 377 and 386(c)(iii) - Appeal against inadequacy of sentence - Powers of High Court - Enhancement of sentence - Existence of Section 377 does not exclude revisional jurisdiction of High Court to act suo motu for enhancement - Discretion exercised by High Court - Supreme Court to be slow to interfere under Article 136."

22. From the above discussions, this Court is of the view that:

- i. This Court, by order dated 08.05.2014, in CrI.O.P.No.11771 of 2014, directed the petitioner to submit a fresh complaint before the concerned Assistant Commissioner of Police and directed the concerned Assistant Commissioner of Police to investigate the same and act in accordance with law, on receipt of the same. Accordingly, the subordinate to the Assistant Commissioner, namely, R.Frank D.Ruben, Inspector of Police, has registered a case in Crime No.1334 of 2014 for the alleged offence under Sections 3 (i) (v), 3(x) and 3(xv) of SC & ST (Prevention of Atrocities) Act, 1989. In the instant case, this Court has not given any specific direction to register a criminal case under the said Act. As such, the Inspector of Police arrived at the decision that there is a *prima facie* case. The Investigating Officer had conducted a comprehensive enquiry and recorded statements from 11 witnesses, out of them, witnesses 6 to 11 have stated that the alleged occurrence did not happen and therefore the victim's dwelling residence was not demolished by the accused T.Udayakumar. Based on the statement of the witnesses 6 to 11, the learned Special Public Prosecutor of SC

and ST, High Court, Chennai, had given legal opinion and hence further action was dropped. For the closure of the case, the reasons assigned by the Investigating Officer and the learned Special Public Prosecutor are not satisfactory. Therefore, trial is necessary on the basis of the statements given by the witnesses 1 to 5 and among them the witness No.4 belongs to a caste Hindu community. Hence, the said criminal case is fit to be proceeded with further in accordance with law.

- ii. This Court is unable to understand that the Investigating Officer had visited the occurrence place and had drawn a rough sketch and also prepared an observation mahazar in the presence of listed witnesses. Now, the Investigating Officer has given a report stating that the complaint is false. This kind of erratic statement by the Police is unusual and ill-advised. The fourth listed witness considered a star witness in the instant case and who belongs to the caste Hindu community, came forward to assist in the prosecution case against the opposite party T.Udhayakumar. Therefore, the prosecution case is fit for trial. In the instant case, the generalized view of this Court that only the strongest animal of the jungle can survive while feeble and an incompetent animal will perish. This

principle as said above should not be allowed in a democratic country of the world. Besides, a title suit, which is pending on the side of the civil Court regarding the occupation, enjoyment and civil right. This Court's further view that the petitioner has lost confidence on the Investigation Officer, hence he has filed another direction petition in Crl.O.P.No.17268 of 2014 before this Court and sought direction to transfer the present case to the file of CBCID Wing, Chennai.

- iii. Mr.R.Sankarasubbu, learned counsel for the petitioner has annexed several colour photographs in the typed set of papers at Page Nos.6, 7, 8, 32, 33, 34 and 35, which clearly reveals that the residential house of the petitioner had been demolished by engaging a JCB Machine. This kind of high-handed activities is illegal, since the opposite party T.Udhayakumar is taking the law in his hands and trespassed into the property and caused injustice to the Dalit people. As such, the Dalit people's personal rights and fundamental rights have been violated. The Dalit people are economically, educationally and politically backward. Therefore, the Father of the Constitution Dr.Ambedkar has given adequate protection to the Dalit

people, besides in order to provide more protection viz., Civil Protection Act, SC & ST Untouchability Act and SC & ST (Prevention of Atrocities) Act have been enacted. In the instant case, the Dalit people have not been rendered proper justice as such there is a lapse on the side of the respondents, since the nature of the offence is an heinous crime.

- iv. This Court is of the view that the learned Government Advocate Miss.M.F.Shabana has produced a copy of the Order in W.P.No.20771 of 2014, filed by the petitioner herein and others against the State, including the accused. The learned Judge was pleased to dismiss the writ petition and observed that all the occupants of the residential quarters had accepted the settlements and handed over the possession except the petitioner. It clearly proves that the petitioner and three others as per the order passed in the writ petition, the petitioner is in physical possession, during the relevant period. It is seen that the said T.Udhayakumar trespassed into the property along with a JCB Machine and attempted to demolish the dwelling house, without due process of law. Therefore, the act of T.Udhayakumar is illegal against the Dalit people. Therefore, trial is of paramount

importance since it is considered a heinous offence.

- v. Mrs.Saundarya, I.A.S., District Collector and Mr.K.George, I.P.S., Commissioner of Police, Chennai City, Chennai, are top most officers for executing fair and better administration and in controlling law and order, since the jurisdiction being under their direct control. In the instant case, the Dalit people's life and property have not been protected by the relevant Departments. How tenuous was the two top most senior officers, who have stonewalled their ability to bring out neutrality in the instant case and usher in peace and tranquillity to all people. In such an absence, it tantamounts to negligence and lack of service on the part of the top most I.A.S., and I.P.S.Officers. Even though there is no distinct direction to the District Collector and Commissioner of Police, they are in no uncertain terms not to exercise their bequeathed powers in order to

protect the Dalit people.

- vi. The Indian Administrative Officers and the Indian Police Service Officers and judicial forums should not melodramaticize the lay public. In the instant case, this Court does not want a role to be a dramatic set up shown by the respondents to the general public. The said officials did not exercise their dutiful jurisdiction in the said occurrence. Therefore, this Court is constrained to direct the Chief Secretary and Home Secretary to consider the shifting of the District Collector Mrs.Saundarya, I.A.S., and the Commissioner of Police Mr.K.George, I.P.C., to some other jurisdiction, where they can establish a better and appropriate administrative role in their respective positions in order to resolve the faith and confidence of the general public.

23. Considering the facts and circumstances of the case, arguments advanced by the learned counsels on all sides and the views (i) to (vi) of this Court, as mentioned above, this contempt petition is disposed of with a direction to the Chief Secretary and Home Secretary to the State Government to consider the shifting of the Chennai

Commissioner of Police, Chennai City, Mr.K.George, I.P.S.,
to some other jurisdiction. No costs.

krk

SD/
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER(O.S.)

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SM/CO/12/03/2015

One CC to Public Prosecutor, SR.3478

Three CC's to Mr.R.Sankara Subbu, Advocate, SR.3529

To

1.Mrs.Saundarya, I.A.S.,
District Collector,
Chennai District,
62, Rajaji Salai,
Chennai-600 001,
Chennai.

2.Mr.K.George, I.P.S.,
Commissioner of Police,
Chennai City,
Chennai-600 007.

3.Mr.Rubeen Raj,
Inspector of Police,
P-1, Pulianthope,
Chennai-600 012.

4.The Chief Secretary to the Government,
Tamil Nadu Secretariat,
Chennai - 9.

5.The Home Secretary to the Government,
Tamil Nadu Secretariat, Chennai - 9.