

In the High Court of Judicature at Madras

Dated: 7.9.2015

Coram:

The Hon'ble Mr.Justice M.Jaichandren

Writ Petition No.32829 of 2012

P.Sithan

.. Petitioner

vs.

1.State of Tamilnadu, rep. by its
Secretary to Government,
Home Department,
Fort St. George, Chennai-9.

2.The District Collector,
Erode Dist.

3.The Director General of Police,
Chennai-4.

4.The Revenue Divisional Officer,
Erode.

5.The Superintendent of Police,
Erode Dist.

6.The Tahsildar,
Erode Taluk, Erode.

7.The Inspector of Police,
Kodumudi Police Station,
Erode Dist.

Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents to take precautionary and preventive measures, as contemplated under Rule 3[1][i], [ii] and [x] of Rule 3 of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Rules 1995 insofar as the Nagapalayam Harijan Colony in Nagapalayam village, Kodumudi Post, Erode Taluk and District, forthwith.

For petitioner : Mr.S.Sathia Chandran
For respondents : Mr.R.Ravichandran, AGP

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed praying that this Court may be pleased to direct the respondents to take precautionary and preventive measures, as contemplated under the relevant provisions of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Rules, 1995, relating to the Nagapalayam Harijan Colony, in Nagapalayam village, Kodumudi Post, Erode Taluk and District.

3. At this stage of the hearing of the Writ Petition, the 4th respondent had filed a counter affidavit, dated 7.9.2015. Paragraphs 9 and 10 of the said counter affidavit read as follows:-

"I submit that as per order of 4th respondent, the 4th respondent and other higher officials taking steps to form a road to reach the burial ground to avoid law and order problem. A road has been formed at S.F.No.65/2 to reach the burial ground. Now the majority community people are using this road to reach the burial ground. So no law and order problem is arise.

10.At the outset, I wish to state that the pleas of the petitioner to remove the stony wall which was obstruction to the schedule caste people passage was complied with, since the wall was removed sufficiently for the passage of the public. The second plea that the majority community people should not take the dead body through the colony was also adhered and the majority community people were barred to take the dead body through schedule caste colony. The 3rd demand of the petitioner, not to take any dead body around the habitat through the way in 66/1 to the burial ground was also accepted and order was passed by Revenue Divisional Officer, Erode that any dead body belonging to major community people should be taken only through the Segodampalayam road, not around the scheduled caste habitat. It is submitted that the demands of the petitioner were totally met and orders were passed by the 4th respondent Revenue Divisional Officer, Erode then and there. The right of the petitioner and schedule caste people are protected and they are not deprived of any basic civil rights. There is no incident of any law and order and rights violation problem from the year 2013 till date. Hence the petition may be dismissed. There is no Law and order problem till this date. The peace prevail over in this area. So there is no further order necessary in this writ petition."

The learned counsel appearing on behalf of the petitioner had not refuted the averments made in paragraphs 9 and 10 of the counter affidavit filed on behalf of the 4th respondent, dated 7.9.2015.

4. In such circumstances, as no further orders are necessary, the Writ Petition stands closed. No costs. M.P.No.1 of 2012 is closed.

-s/d-

Assistant Registrar(CSII)

dt:21/9/2015

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government, Home Department,
Fort St. George, Chennai-9.
- 2.The District Collector, Erode Dist.
- 3.The Director General of Police, Chennai-4.
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- 5.The Superintendent of Police, Erode Dist.
- 6.The Tahsildar, Erode Taluk, Erode.
- 7.The Inspector of Police,
Kodumudi Police Station, Erode Dist.

+1 cc to Mr.S.Sathia Chandran Advocate sr.48371

+1 cc to Government Pleader sr.48617

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