

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. Nos.30531, 30981, 33003 and
32285 of 2012 and 1255 of 2013
and M.P.Nos.1 of 2012 (3 Nos.) & 1 of 2013 (5 Nos.)

W.P.No.30531 of 2012

S.SENGKODI

.. Petitioner

-vs-

1 STATE OF TAMILNADU
REP BY ITS SECRETARY TO GOVT.
HOME DEPARTMENT FORT ST.GEORGE
CHENNAI 9

2 THE SECRETARY TO GOVT.
ADI DRAVIDAR ANDTRIBAL WELFARE DEPT
FORTST.GEORGE CHENNAI 9

3 THE DIRECTOR GENERAL OF
POLICE MYLAPORE CHENNAI 4

4 THE DISTRICT COLLECTOR
DHARMAPURI DISTRICT DHARMAPURI

5 THE SUPERINTENDENT OF
POLICE DHARMAPURI DISTRICT
DHARMAPURI

6 THE STATION HOUSE OFFICER
KRISHNAPURAM POLICE STATION
DHARMAPURI DISTRICT DHARMAPURI

7 THE JOINT DIRECTOR
CENTRAL BUREAU OF INVESTIGATION
HADDOWS ROAD SASTRI BHAVAN
CHENNAI 6

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, a. to direct the respondents 1 and 2 to provide all reliefs mandated under the Scheduled castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 and the Rules made under to the Villages Natham Colony Anna Nagar Colony and Kondampatti Old and New Colonies in Dharmapuri District b. direct the respondents 1 and 3 to engage Senior Officers known for their integrity independence and commitment to the cause of the weaker sections to monitor the measures being adopted by the lower level officials for rehabilitating the victims c. direct the 7th respondent to take over the investigation with regard to the atrocities committed by the members of the other community in the said Villages in Dharmapuri District; d. direct the respondents 1, 3, 5 & 6 to give full co-operation to the 7th respondent in the investigation of the atrocity.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader for RR 1 to 6

W.P.No.30981 of 2012

1 P.PUGALENTHI, ADVOCATE .. Petitioner

-vs-

1 STATE OF TAMILNADU
REP. BY THE CHIEF SECRETARY TO GOVT.
SECRETARIAT CHENNAI-9.

2 R.LILLY IAS
COLLECTOR DHARMAPURI DISTRICT
DHARMAPURI.

3 THIRU ASRA GARG IPS
SUPERINTENDENT OF POLICE
DHARMAPURI
DISTRICT DHARMAPURI.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent No.1 State of Tamil Nadu to place respondents 2 and 3 under suspension immediately.

For Petitioner : Mr.M.Radhakrishnan

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader for RR-1 and 2
: Mr.Balan Haridas for R-3

W.P.No.33003 of 2012

R.JANAKIRAMAN

.. Petitioner

-vs-

1 THE GOVERNMENT OF TAMILNADU
REP. BY ITS CHIEF SECRETARY
SECRETARIAT ST. GEORGE FORT
CHENNAI-9

2 THE GOVT. OF TAMILNADU
REP. BY ITS HOME SECRETARY
SECRETARIAT ST. GEORGE FORT
CHENNAI-9

3 THE DIRECTOR GENERAL OF
POLICE BEACH ROAD CHENNAI

4 THE DISTRICT COLLECTOR
DHARMAPURI DISTRICT DHARMAPURI

5 THE SUPERINTENDENT OF
POLICE DHARMAPURI DISTRICT
DHARMAPURI

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct to appoint a retired High court Judge to conduct an enquiry to find out the reasons and factors behind the inhuman caste violent attack at Nathamkottai, Kondampatti and Annanagar villages in Dharmapuri District Tamilnadu on 7.11.2012 by the dominant caste mob and to suggest the preventive measures in future and compensation for the damages, work loss and mental agony to the victims and consequently direct the respondents to give effect to the recommendations of the said enquiry.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader for RR 1 to 5

W.P.No.32285 of 2012

K.SAMUELRAJ

.. Petitioner

-vs-

1 THE STATE OF TAMILNADU
REP. BY ITS SECRETARY TO GOVT
HOME DEPARTMENT FORT ST. GEORGE
CHENNAI-9.

- 2 SECRETARY TO GOVERNMENT
ADI DRAVIDAR AND TRIBAL WELFARE DEPT
FORT ST. GEORGE CHENNAI-9.
- 3 THE DIRECTOR GENERAL OF POLICE
STATE OF TAMILNADU MYLAPORE CHENNAI-4.
- 4 THE DISTRICT COLLECTOR
DHARMAPURI DISTRICT DHARMAPURI.
- 5 THE SUPERINTENDENT OF POLICE
DHARMAPURI DISTRICT DHARMAPURI.
- 6 THE STATION HOUSE OFFICER
KRISHNAPURAM POLICE STATION
DHARMAPURI DISTRICT DHARMAPURI.
- 7 ADDITIONAL DIRECTOR GENERAL
OF POLICE C.B.C.I.D. SIDCO ELECTRONICS
COMPLEX BLOCK NO.3 1ST FLOOR GUINDY
INDUSTRIAL ESTATE CHENNAI-32.
- 8 THE JOINT DIRECTOR
CENTRAL BUREAU OF INVESTIGATION
HADDOWS ROAD SASTRI BHAVAN
CHENNAI-6.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to (i) direct the transfer of investigation in Crime Nos. 296 to 301 of 2012 pending on the file of 7th respondent to the 8th respondent herein for further investigation and to file final report within a time frame (ii) direct the respondents to register a criminal case against the Government officials including police officials who are also responsible for the offence committed against Dalits of Dharmapuri District on 07.11.2012 and also to initiate disciplinary proceedings against them. (iii) direct the respondents 1 to 4 to constitute a panel of experts in the field of Valuation to evaluate the loss suffered by the Dalits in the incident that took place in Dharmapuri District on 07.11.2012 and consequently direct the 1st respondent to pay the compensation as per the report on actual basis.

For Petitioner : Mr.M.Christopher

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.R.Kamalanathan, Addl.G.P.
for RR 1 to 6
: Mr.N.Srinivasan for RR 7 & 8

L.YAKKAN

.. Petitioner

-vs-

- 1 THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY
MINISTRY OF HOME AFFAIRS
NORTH BLOCK NEW DELHI-110001.
- 2 THE SECRETARY
MINISTRY OF SOCIAL JUSTICE AND
EMPOWERMENT SHASTRI BHAVAN
NEW DELHI-110001.
- 3 NATIONAL COMMISSION FOR
SCHEDULED CASTES REPRESENTED BY ITS
SECRETARY LOK NAYAK BHAVAN
B WING 5TH FLOOR KHAN MARKET
NEW DELHI-110003.
- 4 THE NATIONAL HUMAN RIGHTS
COMMISSION REPRESENTED BY ITS
MEMBER SECRETARY FARIDKOT HOUSE
COPERNICUS MARG NEW DELHI-110011.
- 5 THE STATE OF TAMIL NADU
REPRESENTED BY ITS SECRETARY HOME
DEPARTMENT SECRETARIAT CHENNAI-9.
- 6 THE SECRETARY
ADI DRAVIDAR AND TRIBAL WELFARE DEPT
FORT ST. GEORGE SECRETARIAT CHENNAI-9.
- 7 THE DIRECTOR GENERAL OF POLICE
MYLAPORE CHENNAI-4.
- 8 THE DISTRICT COLLECTOR
DHARMAPURI DISTRICT DHARMAPURI.
- 9 THE SUPERINTENDENT OF POLICE
DHARMAPURI DISTRICT DHARMAPURI.
- 10 THE STATION HOUSE OFFICER
KRISHNAPURAM POLICE STATION DHARMAPURI
DISTRICT.
- 11 THE CENTRAL BUREAU OF
INVESTIGATION REPRESENTED BY ITS
JOINT DIRECTOR HADDOWS ROAD
SHASTRI BHAVAN CHENNAI-6.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to - i) direct the respondents 1 and 2 to issue appropriate directions to the Government of Tamil Nadu to take all measures mandated under the provisions of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the rules made there under to give full protection to the members of the Scheduled Castes in Tamil Nadu under Articles 256 and 257(1) of the Indian Constitution ii) direct the respondents 1 and 2 to effectively monitor the implementation of schemes by the Government of Tamil Nadu to prevent the commission of offences and atrocities against the members of the Scheduled Castes and Scheduled Tribes and to ensure the relief and rehabilitation of victims of such offences in the light of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the rules made thereunder. iii) direct the third respondent, to suggest appropriate means and measures to activate the officials at the district level and also the officials at the higher level to implement the schemes under various heads such as education, housing, health, public distribution system, etc. iv) direct the fourth respondent to file the report of the enquiry conducted by its police team along with all materials related to the enquiry from 25th December 2012 onwards. v) direct the 5th and 6th respondents to depute a senior officer known for commitment and integrity to effectively implement the rehabilitation of the affected dalit families in Natham colony, Anna Nagar colony and Kondampatti old and new colonies in Dharmapuri district with the cooperation of the district administration. vi) direct the 5th respondent to take all necessary steps to train the police personnel and other authorities to enforce the law declared by the Hon'ble Supreme Court of India in Lata Singh vs. State of U.P., 2006 SCC. vii) to constitute a Special Investigation Team involving the 11th respondent CBI, to take over all the crimes registered by the 10th respondent with regard to the complaints of Dalits related to the atrocity on Dalits on 7th November 2012 in Natham Colony, Anna Nagar colony and Kondampatti old and new colonies in Dharmapuri district in Crime Nos.295, 296, 297 and 298 of 2012 and the related complaints given by others and to investigate the same as per law.

For Petitioner : Mr.P.Rathinam
For Respondents : Mrs.R.Maheswari, SCGSC
for RR 1 and 2
: Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.R.Kamalanathan, Addl.G.P.
for RR 5 to 10
: Mr.N.Srinivasan for R-11

* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

In a democratic country like ours, we are even unwilling to give the major boy and girl the right to determine whom they want to marry. Not only that, life and property are lost in meaningless fury of one community against the other, reflecting a sorry state of affairs of the society.

2.It appears that in the present case, the parents of the girl and the boy wanting an inter-caste marriage were willing for the arrangement, but it is outsiders who created a tensed atmosphere, where Kangaroo courts function in an endeavour to separate them. The girl and the boy did not condescend. This resulted in the girl's father committing suicide (the girl was from the higher caste). We are informed that the boy also died in a mysterious circumstances. The girl is stated to be now living with her mother.

3.A mindless frenzy took place resulting in loss of large amount of property - 326 houses are stated to have been burnt down in three villages. If we may say, it amounted to complete collapse of administration.

4.The aforesaid has resulted in orders being passed by the Court from time to time. There is a three pronged endeavour which is required: (1) the Criminal Justice System to be activated; (2) Rehabilitation measures; and (3) Pinpointing the responsibility for administrative lapses.

5.In so far as the first aspect is concerned, the learned Government Pleader states that the final report will be filed within one (1) month, the investigation having been conducted by the CBCID. The final report was not filed as there were interim directions by this Court, which, by consent, are now lifted.

6.As far as rehabilitation measures are concerned, learned counsel appearing for the petitioner states that there are some deficiencies still remaining and he will enlist the same and inform the learned Government Pleader. We expect prompt measures to be taken to remedy the position qua those deficiencies.

7.The last aspect is of fixation of responsibility for administrative lapses. We are informed that some steps were taken, but the picture presented before us is not satisfactory. We would, thus, require an affidavit to be filed under the signatures of the Secretary concerned explaining the enquiry held to fix the administrative lapses, who were found responsible and what is the nature of punishment visited on

those persons. We are sure that the period of four years would have been more than enough to have completed this task by now.

8.Learned counsel appearing for the petitioner in W.P.No.30981 of 2012 has drawn the attention to the observations of the Hon'ble Supreme Court in Arumugam Servai vs. State of Tamil Nadu, (2011) 6 SCC 405, extracted in the petition, which we reproduce hereinafter:

'12.We have in recent years heard of ''Khap Panchayats'' (known as katta panchayats in Tamil Nadu) which often decree or encourage honour killings or other atrocities in an institutionalized way on boys and girls of different castes and religion, who wish to get married or have been married, or interfere with the personal lives of people. We are of the opinion that this is wholly illegal and has to be ruthlessly stamped out. As already stated in Lata Singh's case (supra), there is nothing honourable in honour killing or other atrocities and, in fact, it is nothing but barbaric and shameful murder. Other atrocities in respect of personal lives of people committed by brutal, feudal minded persons deserve harsh mentality. Moreover, these acts take the law into their own hands, and amount to kangaroo courts, which are wholly illegal."

9.Needless to say that for all what has already happened, the clock cannot be put back, but these observations must be kept in mind while fixing the administrative lapses.

10.We dispose of these writ petitions with the aforesaid directions. No costs. Consequently, connected miscellaneous petitions are closed.

11.List for compliance on 09.09.2016.

sra

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1 STATE OF TAMILNADU
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HOME DEPARTMENT FORT ST.GEORGE
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14 NATIONAL COMMISSION FOR
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B WING 5TH FLOOR KHAN MARKET
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15 THE NATIONAL HUMAN RIGHTS
COMMISSION REPRESENTED BY ITS
MEMBER SECRETARY FARIDKOT HOUSE
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16 THE CENTRAL BUREAU OF
INVESTIGATION REPRESENTED BY ITS
JOINT DIRECTOR HADDOWS ROAD
SHASTRI BHAVAN CHENNAI-6.

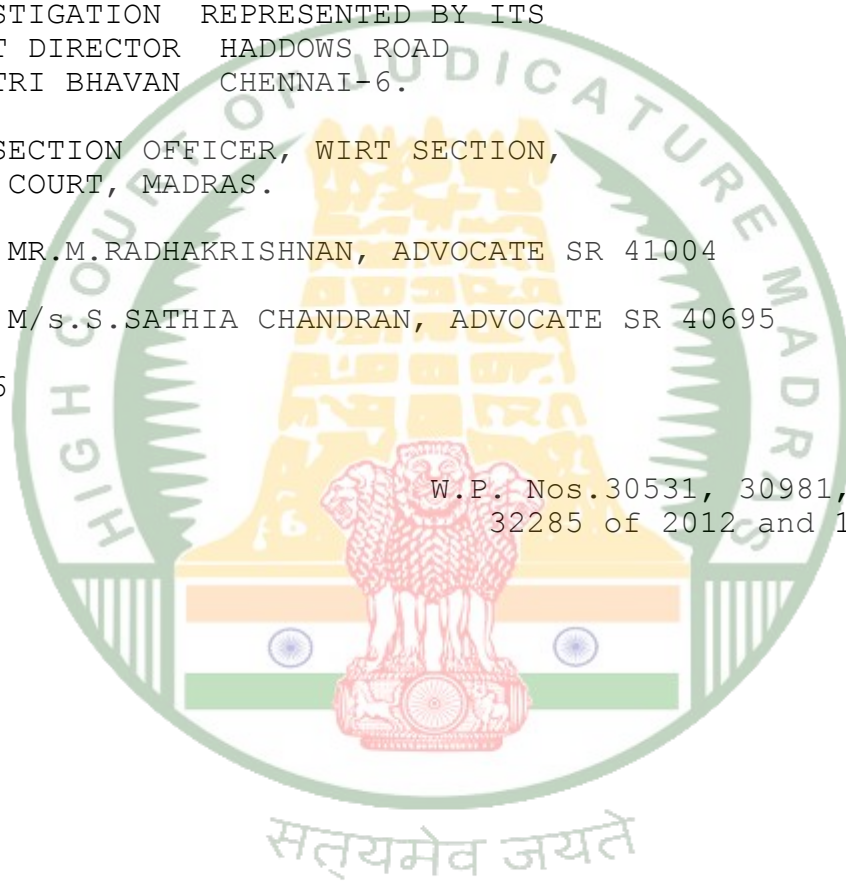
17 THE SECTION OFFICER, WIRT SECTION,
HIGH COURT, MADRAS.

+ 1 CC TO MR.M.RADHAKRISHNAN, ADVOCATE SR 41004

+ 1 CC TO M/s.S.SATHIA CHANDRAN, ADVOCATE SR 40695

KR/16/8/16

W.P. Nos.30531, 30981, 33003 and
32285 of 2012 and 1255 of 2013



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