



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P. (MD) No.10520 of 2016

S.Esakkimuthu

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

3. The President,
Venkatarayapuram Panchayat,
Venkatarayapuram Village,
Nanguneri Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to take appropriate action based on the petitioner complaint dated 26.04.2016 for violation of Section 3(V) of SC/ST Act, 1989 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For R1 & R2 : Mr.K.Mahesh Raja
Government Advocate
For R3 : Mr.S.Sadesh Kumar
Additional Govt. Pleader

O R D E R

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.



3. The main grievance of the petitioner is that he was prevented from carrying on the agricultural activities and according to him, he lease out his agricultural land to one Murugan, S/o. Arjunan, who was also prevented from carrying out the agricultural activities, so as to lay the Thar road in his patta land. Also, it is the specific case of the petitioner that the motor pump in the agricultural field was stolen which professed his brother-in-law to lodge a complaint on 30.01.2016 before the Vijayanarayanam Police Station and in this regard, a C.S.R.No.40/16 was issued. However, no action has been taken against the concerned persons.

4. The learned counsel for the petitioner urges before this Court that as per Section 3(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the concerned authority is empowered to punish and the petitioner's fundamental right to carry out the occupation is violated and in this regard, he made numerous representations in person as well as through post to the respondents as well as to the Superintendent of Police, Tirunelveli District on 20.12.2010, 30.01.2011, 01.11.2012, in June 2013, 30.01.2016, 26.04.2016 and 07.05.2016 respectively. It appears that no action was taken either by the revenue officials viz., the respondents or by the law enforcing authorities. Hence, the petitioner has filed the present writ petition praying for passing of an order by this Court in directing the respondents to take appropriate action, based on his complaint dated 26.04.2016 for violation of Section 3(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. In view of the fact that the petitioner's representation dated 26.04.2016 addressed to the concerned authorities and the subsequent representation dated 07.05.2016 (addressed to the concerned authorities) are pending as on date, this Court, at this stage, without delving deep into the merits and contents of the said representations and also not expressing any opinion one way or other, to prevent an aberration of justice and in furtherance of substantial cause of justice, directs the respondents to immediately look into the representations of the petitioner dated 26.04.2016, 07.05.2016, within a period of one week from the date of receipt of a copy of this order. Thereafter, the respondents, on taking up the said representations, is to pass a speaking order on merits (ofcourse by providing necessary opportunity to the petitioner and others concerned in the subject matter in issue by adhering to the principles of natural justice) within a period of three weeks. The petitioner is directed to lend his assistance and co-operation in regard to the respondents so as to enable the respondents to dispose of his representations dated 26.04.2016 and 07.05.2016 in the manner known to law and in accordance with law.



6. With the aforesaid directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.
3. The President,
Venkatarayapuram Panchayat,
Venkatarayapuram Village,
Nanguneri Taluk,
Tirunelveli District.

+ 1 CC TO MR.G.THALAIMUTHARASU, ADVOCATE IN SR No. 31126
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 30834

AKV

TE/PEK/ : 27/06/2016 : 3P/6C

W.P. (MD) No.10520 of 2016
15.06.2016