



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.07.2016

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**THE HONOURABLE MR.JUSTICE M.VENUGOPAL****Writ Petition (MD). No.11828 of 2016****and****W.M.P. (MD).No.9085 of 2016**

S.Murugan

... Petitioner

Vs.

1.The District Collector and District Magistrate,  
Office of the District Collector and District Magistrate,,  
Sivangangai District.

2.The Superintendent of Police,  
Office of the Superintendent of Police,  
Sivagangai District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 1st Respondent to grant gun licence to the petitioner under rule 3(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules forthwith.

For Petitioner :Mr.R.Alagumani

For Respondents :Mr.S.Chandrasekar

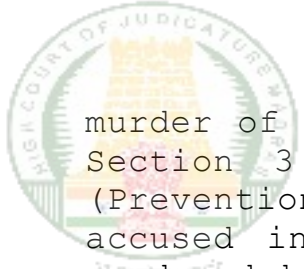
Govt. Advocate for RR-1 &amp; 2

**ORDER**

Heard both sides.

2. According to the petitioner, he belongs to Hindu Scheduled Caste Community and further that he was elected as Panchayat President of Vempathur Panchayat, which is reserved for Scheduled Caste candidate. He is said to be a public spirited person and initiated action for protecting the life of the Scheduled Caste persons living in and around Vempathur Village from the social evils and different forms of untouchability.

3. The Stand of the petitioner is that some vested interest persons targeted him to end his life. But, his brother viz., Muthukrishnan was killed by the caste Hindus and that the Thirupachati Police Station officials registered an FIR in Cr.No.17 of 2010, on the basis of his complaint (pertaining to the



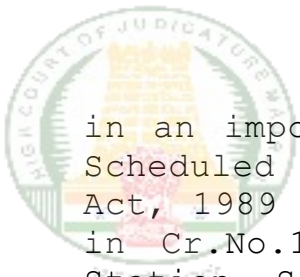
murder of his brother) under Sections 147, 148, 302 of I.P.C and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Subsequently, one of the accused in Cr.No.17 of 2010 viz., Karupu alias Karuppasamy was murdered by some unknown persons. But the petitioner's name was included as accused in the said murder case.

4. The version of the petitioner is that based on his complaint, Thirupachati Police Inspector registered an F.I.R in Cr.No.85 of 2000 under Sections 147, 341, 323, 379 of Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and registered an F.I.R in Cr.No.9 of 2010 under Sections 454, 324, 506(ii) of I.P.C and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and registered an F.I.R in Cr.No.44 of 2015 under Sections 341, 328 of I.P.C and Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and registered an F.I.R in Cr.No.14 of 2014 under Sections 294(b), 324, 506(ii) of I.P.C and Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and registered an F.I.R in Cr.No.414 of 2014, under Sections 147, 148, 307 of I.P.C and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. At this stage, the Learned Counsel for the Petitioner submits that the petitioner is facing life threat in the hands of accused persons in the aforesaid cases and that already on several occasions, the accused persons made an endeavour to terminate the petitioner's life and fortunately, he escaped from their hands. In this connection, the Learned Counsel for the Petitioner points out that two F.I.Rs were registered in the year 2014 and on 25.01.2014, the petitioner went near Pachari village in his motor cycle and the accused individuals viz., Muthu Vijayan and Muthupandi caused cut injuries and fortunately, he was safeguarded by the villagers. In fact, the Sivagangai Town Police Station Inspector registered an F.I.R in Cr.No.60 of 2014 and subsequently charge sheet was filed before the Judicial Magistrate, Manamadurai. That apart, on 28.07.2014, the accused individuals viz., Muthu Vijayan, Oorkavalan, Vickey, Suresh and one known accused person living in Panangadi Village and one known accused person living in Pudukulam Village, attempted to terminate the petitioner's life with long knife and fortunately, he escaped from their hands. Furthermore, the Sivagangai Town Police Station Inspector had registered an F.I.R in Cr.No.414 of 2014 under Sections 147,148, 307 of I.P.C and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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6. The real grievance of the petitioner is that his life is in danger in the hands of aforesaid accused persons and he is



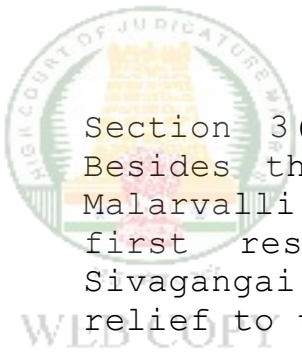
in an important witness in other criminal cases registered under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and he is the prosecution witness No.1 in a murder case in Cr.No.17 of 2010, on the file of the Thirupachethi Police Station, Sivagangai District.

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7. The plea of the petitioner is that he made a representation before the first respondent/District Collector cum District Magistrate, Sivagangai District for providing pistol licence to him and that on 30.07.2014, the first respondent/District Collector cum District Magistrate, Sivagangai District granted licence and permission through his letter in Na.Ka.D1/25711/2010, dated 30.07.2014 to him for purchase of pistol and that on 03.11.2014, he paid an advance amount of Rs.25,000/- by means of demand draft before the Aavadi Tank Factory for purchase of pistol. As a matter of fact, the Aavadi Tank Factory authorities required him to wait for some time for purchase of pistol and that on 26.11.2014, the first respondent/District Collector cum District Magistrate, Sivagangai District cancelled the permission order already granted, by means of his communication No.Mu.Mu.D1/25711/2010 dated 26.11.2014. Once again, on 04.12.2014, the petitioner and his family members projected a representation before the first respondent/District Collector cum District Magistrate, Sivagangai District in person seeking police protection to him and his family members.

8. At this stage, the Learned Counsel for the Petitioner brings it to the notice of this Court that the first respondent/District Collector cum District Magistrate, Sivagangai District, had directed the second respondent/Superintendent of Police, Sivagangai District to provide necessary police protection to the petitioner vide his Letter No.Na.Ka.D1/25711/2010, dated 04.12.2014. But, even after that, the second respondent/Superintendent of Police failed to provide police protection to the petitioner and hence, the petitioner is not able to move freely. Therefore, on 08.12.2014, the petitioner was perforced to submit another representation before the second respondent in person through his son and requested him to provide police protection to him on the basis of the order passed by the first respondent/District Collector cum District Magistrate, Sivagangai District, even then, the second respondent/Superintendent of Police had failed to provide police protection to the petitioner.

9. Apart from the above, the petitioner, in the writ petition, proceeds to state that on 16.04.2014, at about 7.00 p.m, more than 12 accused came to the settlement of the Scheduled Caste Persons in Vempathur Village, Indira Nagar Colony and damaged 20 houses belonging to the Scheduled Caste people. In this regard, Sivagangai Town Police Station Inspector registered an F.I.R in Cr.No.80 of 2014 under Sections 147, 148, 458, 506(ii) I.P.C and



Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes. Besides this, the victims i.e Velayutham, Subramanian, Pakkiam, Malarvalli and Petichiammal submitted representations before the first respondent/District Collector cum District Magistrate, Sivagangai District, for providing necessary money by way of relief to them, for the damage of their house hold articles.

10. At this juncture, the Learned Counsel for the Petitioner refers to Rule 12(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, which reads as under:

**"12.Measures to be taken by the District Administration:-** (1) the District Magistrate and the Superintendent of Police shall visit the place or area where the atrocity has been committed to assess the loss of life and damage to the property and draw a list of victims, their family members and dependents entitled for relief."

11.But, it is represented on behalf of the petitioner that after the incident, the respondents had failed to visit the said village and assess the loss of damage. The Learned Counsel for the Petitioner strenuously projects an argument that the petitioner even today is not able to enter his native village viz., Indira Nagar Colony, Vempathur, Sivagangai District, and on 31.10.2011, this Court in W.P.(MD).No.11567 of 2011, had directed the respondents therein to deploy adequate number of police officials for giving protection to the petitioner's life and his family members and his properties. In spite of the same, the petitioner is facing life threat and hence, he required a police protection for all the time. But the second respondent had failed to provide police protection, except in some extraordinary circumstances.

12. It comes to be known that on 27.12.2014, the petitioner had addressed a representation to the Director General of Police, Additional Director General of Police, Human Rights and Social Justice, Inspector General of Police, South Zone and the respondents and made a request for for providing police protection for his life and that even after a specific order was passed by the second respondent/Superintendent of Police, no protection was given to him. Furthermore, the petitioner is now reportedly living in his father-in-law's house at Puliyangudi and he is not able to move out from his father-in-law's village.

13. It transpires that the petitioner preferred an appeal on 18.12.2014 before the Additional Chief Secretary/Commissioner of Police, Government of Tamil Nadu, Administration, Disaster Management and Mitigation Department for providing him gun licence against the order passed



by the first respondent, in his letter No.Mu.Mu.D1/25711/2010, dated 26.11.2014. On 19.01.2015, a communication was sent by the Commissioner of Revenue Administration, Disaster Management and Mitigation Department, in Na.Ka.No.Va.Ni.5(1)/52301/2014 (Mae.Mu.No.80/2014), dated 19.01.2015, wherein, it was mentioned that his appeal was taken on file and enquiry date would be informed in the future. On 21.03.2015, the petitioner had narrated the said facts and sent a representation to the Commissioner of Revenue Administration, Disaster Management and Mitigation Department and pointed out about the life threat against him and requested for early disposal of his appeal etc., However, till the petitioner has approached this Court in filing the present writ petition, his request was not considered. In fact, on 04.12.2016, in R.A.5(1)/52301/2014, dated 04.12.2016, the Principal Secretary/Commissioner of Revenue Administration, ultimately passed an order by rejecting the appeal, as the same was devoid of merits.

14. The Learned Counsel for the Petitioner submits that Rule 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, clearly mentions that 'with a view to ensure the safety of person and property, if deem necessary, provide arms licences to the members of the Scheduled Castes and Scheduled Tribes' and therefore, the petitioner is entitled to avail the benefit under the said rule and in this regard, on 03.03.2016, by narrating the facts, the petitioner preferred a detailed representation before the first respondent/District Collector cum District Magistrate, Sivagangai District, seeking to grant arms licence to him under Rule 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995. Till date, his representation has not met with any positive response, as contended by the petitioner.

15. Conversely, it is the submission of the Learned Government Advocate for the respondents that the petitioner had filed enormous representations and Criminal Original Petitions seeking for police protection and for registering F.I.Rs and the relevant necessary details are as under:

"i)W.P.(MD).No.11567 of 2011 - seeking direction to provide Police Protection - by order dated 31.10.2011, the Police officials were directed to give adequate Police Protection to the petitioner and his family members.

ii)W.P.(MD).No.6388 of 2012 - seeking for Arm Licence and Police Security - still pending before this Hon'ble Court.

<https://hcservices.ecourts.gov.in/hcservices>iii)Cr1.O.P.(MD).No.23967 of 2014 - seeking direction for Police Protection - by order dated 09.01.2015, the petition was dismissed.



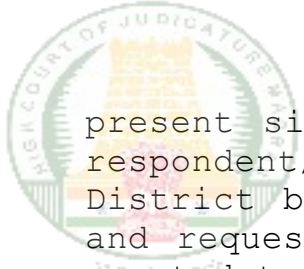
iv) W.P.(MD).No.1918 of 2014 - seeking Police Protection - by order dated 29.02.2016, direction was issued against the respondents to that effect that when the petitioner approached the authorities with application, the same may be considered, if a threat to the petitioner exists.

v) CrI.O.P.(MD).No.10838 of 2015 - seeking direction to register FIR against the District Collector and Superintendent of Police, Sivagangai District - by order dated 08.07.2015, the petition was dismissed.

vi) CrI.O.P.(MD).No.14041 of 2015 - seeking direction to remove the History Sheet in H.S.No.430 of 2012 - by order dated 16.10.2015, disposed the petition by directing to consider the petitioner's representation dated 09.07.2015."

16. The Learned Government Advocate for the respondents brings it to the notice of this Court that the villages of Vempathur and V.Pudukulam are situated adjacent to each other and they are very communally sensitive areas and further, the petitioner being the then President of Vempathur Village Panchayat resides at Indra Nagar Colony at Vempathur Village and he belongs to Adi Dravidar Community and in fact, at V.Puthukulam Village, maximum population belongs to Agamudaiyar community and in short, both the villages are highly tensed areas and fighting between them communally and as such, all of them developed enmity to each other. In this regard, so many criminal cases are pending on either side pertaining to a communal problem and in fact, the petitioner is also facing a murder case in Cr.No.148 of 2011 of Thirupachethi Police Station before the Sessions Court in S.C.No.61 of 2012.

17. Besides the above, the Learned Government Advocate for the respondents informs this Court that a 'History sheet' was opened against the petitioner in H.S.No.430 of 2012, dated 10.10.2012 under Order 746 of Tamil Nadu Police Standing Orders and in the mean while, the petitioner had approached the first respondent/District Collector cum District Magistrate, Sivagangai, for the grant of pistol licence for his self-protection and initially, the first respondent had granted the temporary licence to the petitioner, as per proceedings, No.K.Dis.(D1)/25711/2010, dated 30.07.2014 and in fact, the order was subjected to a specific condition that the petitioner has to purchase a new arm and produce the same before the first respondent Office on or before 30.09.2015 and that the petitioner has not satisfied the condition. In fact, the second respondent/Superintendent of Police, Sivagangai, had submitted a detailed report to project the



present situation prevailing over the villages, before the first respondent/District Collector cum District Magistrate, Sivagangai District by giving the particulars of all pending criminal cases and requested the first respondent to cancel the pistol licence, granted to the petitioner. Moreover, since the petitioner had not produced the arm within the specified period on or before 31.01.2015, the pistol licence issued to him was cancelled by the first respondent/District Collector cum District Magistrate, Sivagangai District by means of an order dated 26.11.2014. Later, the petitioner preferred an appeal before the Principal Secretary/Commissioner of Revenue Administration and when his appeal was pending, the petitioner filed another Writ Petition (MD).No.5480 of 2015, seeking speedy disposal of the appeal and this Court, on 15.04.2015, directed the authority concerned to dispose of the appeal on merits and in accordance with Law, within a period of 8 weeks. Pursuant to the order of this Court, after providing sufficient opportunity to the petitioner and after affording personal hearing, the appellate authority passed an order on 04.02.2016, by rejecting the appeal filed by the petitioner and thereby upholding the order of the first respondent/District Collector cum District Magistrate, Sivagangai District and in fact, the copy of the order was served on the petitioner also.

18.The crystal clear stand taken on behalf of the Respondents is that in view of the facts and circumstances of the present case, it is not at all advisable to grant gun licence and gunmen to the petitioner.

19.As far as the present case is concerned, it is not in dispute that the order dated 26.11.2014 passed by the first respondent/District Collector cum District Magistrate, Sivagangai District was upheld by the appellate authority by means of an order dated 04.02.2016. Against the order of the appellate authority, dated 04.2.2016, the petitioner has not initiated further proceedings in the manner known to Law and in accordance with Law. However, the petitioner has preferred a detailed representation on 03.03.2016, before the first respondent/District Collector cum District Magistrate, Sivagangai District. In fact, in the said representation, the petitioner has sought for keeping the pistol with him, in terms of Rule 3(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 on the footing that his life is under threat, because of the accused. The said representation dated 03.03.2016 is still pending on the file of the first respondent/District Collector cum District Magistrate, Sivagangai District.

20.Considering the fact that the petitioner's detailed representation dated 03.03.2016 is pending before the first respondent/District Collector cum District Magistrate, Sivagangai District, at this stage, without delving deep into the merits and



contents of the representation dated 03.03.2016 and also not expressing any opinion on the merits and contents of the representation of the petitioner, dated 03.03.2016 in one way or other, simpliciter, to secure the ends of Justice, directs the first respondent/District Collector cum District Magistrate, Sivagangai District, to look into the representation of the petitioner dated 03.03.2016 (with a view to find out/ascertain and to take note of subsequent events/developments, if any i.e whether the petitioner still has a threat to his life because of the accused, as mentioned by him in the representation dated 03.03.2016, for the period beginning from, after the disposal of the appeal dated 04.02.2016 by the appellate authority till date and thereafter) and to dispose of the same, with an open mind and in a dispassionate manner, within a period of four weeks from the date of receipt of copy of this order (of-course uninfluenced with any of the observations made by this Court in this writ petition and also by providing enough opportunity to the petitioner and others concerned, if any, by following the principles of Natural Justice in true letter and spirit). The petitioner is also required to lend his assistance and unstinted co-operation to the first respondent/District Collector cum District Magistrate, Sivagangai District, so as to enable him to dispose of his representation, dated 03.03.2016, within the time determined by this Court.

21. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The District Collector and District Magistrate,  
Office of the District Collector and District Magistrate,,  
Sivangangai District.

2.The Superintendent of Police,  
Office of the Superintendent of Police, Sivagangai District.

+1 cc to M/s.R.Alagumani, Advocate in SR.No.40713

+1 cc to The Special Government Pleader in SR.No. 40177

vs

CSL/SK-SKN/SAR-I/04.08.2016 :8P/5C

**Writ Petition (MD).No.11828 of 2016**  
**27.07.2016**