



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD] .No.21362 of 2016

and

W.M.P. (MD) No.15282 of 2016

M.Manikandan

: Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Superintendent of Police,
Dindigul District,
Dindigul.

3.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

4.The Tahsildar,
O/o. The Tashildar,
Ottanchathiram,
Dindigul District.

5.The Inspector of Police,
Ottanchathiram Police Station,
Dindigul District.

6.Mr.Senthil

7.Mr.Arumugam

8.Mr.Selvaraj

9.Mr.Karupasamy

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent Nos.1 to 5 to take action u/s.3(1)(f) and (g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014 against the respondent Nos.6 to 9 and remove the temple and other construction in the land allotted for the members of Scheduled Caste situated at Survey No.103, U.U.Nagar, Gandhi Nagar, Ottanchathiram Taluk, Dindigul District, within the time frame stipulated by this Court.



For Petitioner : Mr.T.Lajapathi Roy

For Respondents 1to5 : Mr.Aayiram K.Selvakumar,
Government Advocate

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O R D E R

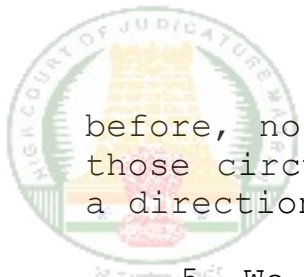
[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner has come up with this Writ Petition seeking a Mandamus, in the nature of a direction to the respondents 1 to 5 to take action under Sections 3(1)(f) and 3(1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014 against the respondents 6 to 9 and to remove the temple and other construction in the land allotted for the members of the Scheduled Castes situated at Survey No.103, J.J.Nagar, Gandhi Nagar, Ottanchathiram Taluk, Dindigul District.

2. This Writ Petition has come up today for admission. We have heard the learned counsel appearing for the petitioner and Mr.Aayiram K.Selvakumar, learned Government Advocate, taking notice on behalf of the respondents 1 to 5. We do not order notice to the respondents 6 to 9, in view of the nature of the order that has to be passed in this Writ Petition. We have also perused the records carefully.

3. A perusal of the affidavit filed by the petitioner would go to show that the land comprised in Survey No.103 at J.J.Nagar, Gandhi Nagar, Ottanchathiram Taluk, Dindigul District, was allotted to various persons, who are the members of Scheduled Castes, for the purpose of house sites. There are also areas earmarked for public purpose and for pathway. It is alleged that the respondents 6 to 9, who do not belong either to Scheduled Castes or Scheduled Tribes, have constructed a temple for the benefit of the villagers in the place earmarked for common purpose. This, according to the petitioner, makes out offences falling under Sections 3(1)(f) and 3(1)(g) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014.

4. The learned counsel for the petitioner would submit that under Rule 12 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, the District Magistrate and the Superintendent of Police have got statutory obligation to visit the property and to take appropriate action as provided in the said Rule itself. He would further submit that as per the Rules, if any case was registered, alleging that an offence under the Act has been committed, the investigation should be completed, within 30 days from the date of registration of the case. When that be
<https://hcservices.courts.gov.in/hcservices/> the case, though a representation was made to the District Collector as well as to the Superintendent of Police long



before, no action has been taken. He would further submit that in those circumstances, a Writ would lie before this Court and thus, a direction as prayed for could be given.

5. We have considered the above submissions.

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6. Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014, provides for punishment for various offences enumerated therein. In the instant case, if it is the grievance of the petitioner that the respondents 6 to 9 have committed any offence, which is punishable under Section 3 of the said Act, the remedy for him lies elsewhere and not before this Court. But, the petitioner has come up with this Writ Petition seeking a Mandamus, to take action under Sections 3(1)(f) and 3(1)(g) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014. Since, as we have already pointed out, Sections 3(1)(f) and 3(1)(g) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014, provide only for punishment, the relief sought for by the petitioner cannot be granted by this Court.

7. It is brought to our notice that a complaint has been made by the petitioner to the Deputy Superintendent of Police, Dindigul. The relief sought for in this petition is not for any case being registered on the said complaint, but, for some action against the respondents 6 to 9. Therefore, we are unable to grant the relief as prayed for in this Writ Petition. We leave it open for the petitioner to work out his remedies before the appropriate authorities in accordance with law.

8. It is also brought to our notice that the temple in question was not constructed in the recent past. The temple appears to have been there for a long time. It is for the district administration to look into the issue in order to maintain peace and tranquility among the people in that area. No action in this matter could be taken in a hurried manner, because it may create some sensation in that area among the people belonging to various communities and create law and order problem. We only make the observation that it is for the District Collector to look into the issue and maintain peace and harmony among the people belonging to various communities. Except making the said observation, we are not inclined to grant any other relief. The Writ Petition is, accordingly, dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

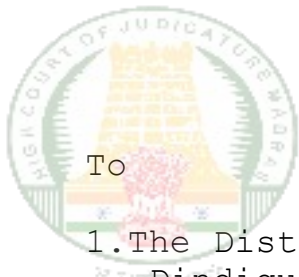
Sd/-

Assistant Registrar (AE)

/True copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Superintendent of Police,
Dindigul District,
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O/o. The Tashildar,
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5.The Inspector of Police,
Ottanchathiram Police Station,
Dindigul District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate, SR No.68253

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.67054

Order made in
W.P. [MD].No.21362 of 2016
Dated: **08.11.2016**

SML

SH/SS-2:12.12.2016:4P/8C