

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2017

CORAM :

The Hon'ble Mr.JUSTICE M.SUNDAR

W.P. No.1172 of 2012

and

M.P.Nos.1 and 2 of 2012

Vijayakumar

.. Petitioner

Vs.

1. The Director,
National Commission for Scheduled Caste
Floor No.2, Block No.V, Sasthri Bhavan,
Chennai-600 006.
2. The Home Secretary to
Government of Tamilnadu,
Fort St. George,
Chennai-600 005.
3. The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.
4. The Inspector General of Police,
Social Justice and Human Rights,
O/o Director General of Police,
Dr.Radhakrishnan Salai, Chennai.
5. The Superintendent of Police,
Vellore District, Vellore.
6. The Deputy Superintendent of Police,
Ambur Sub Division, Vellore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified mandamus to call for the records relating to letter No.51828/Pol.XV/2010-3 dated 20.01.2011 issued by the second respondent herein to the first respondent and quash the same and consequently to direct the first respondent to take action on the basis of the representation dated 21.6.2010 given by the petitioner in

accordance with law within the stipulated time prescribed by this Court.

For Petitioner : Mr.T.Muruganantham

For Respondents: Mr.Venkatasamy Babu, CGSC for R-1
Mr.R.Vijayakumar, AGP for RR2 to 6

ORDER

With the consent of the learned counsel appearing for the parties, the writ petition itself is taken up for disposal.

2 This writ petition has been filed seeking to quash the letter issued by the second respondent dated 20.1.2011 and to direct the first respondent to take action based on the representation of the writ petitioner dated 21.6.2010.

3 Heard the learned counsel for the petitioner. Mr.Venkatasamy Babu, learned Central Government Standing Counsel, appearing on behalf of the first respondent and Mr.R.Vijayakumar, learned Additional Government Pleader appearing on behalf of respondent Nos.2 to 6 are present.

4 The entire matter appears to be an issue between the writ petitioner and one Shanthi, who has not been arrayed as a respondent in this writ petition.

5 It is the case of the writ petitioner that the said Shanthi wanted to marry the writ petitioner. According to the writ petitioner, this was when the writ petitioner was working as Supervisor in Zubaida Shoe Factory at Ambur, Vellore District.

6 It is also the case of the writ petitioner that he was not interested in marrying Shanthi and therefore, the said Shanthi allegedly abused him in public along with her relatives, resulting in the writ petitioner preferring a complaint under various provisions of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the "Act 1989").

7 It is admitted by the writ petitioner in paragraph 3 of the affidavit that the complaint resulted in acquittal of the accused therein after full trial.

8 It is the further case of the writ petitioner that the said Shanthi was having an illegal relationship with one Sridhar and that she gave birth to a girl child on 14.5.2000 (the child's name is Srimathi, according to the writ petitioner).

9 It is the writ petitioner's say that he is aggrieved by the fact that the said Shanthi, while admitting Srimathi in a school, had given the name of the writ petitioner as father's name.

10 In such circumstances, the writ petitioner approached the first respondent, namely, National Commission for Scheduled Caste, with a complaint. In the course of the enquiry by the first respondent Commission, the second respondent, namely, the Home Secretary to the Government of Tamil Nadu, has sent a communication dated 20.1.2011 vide letter No.51828/Pol.XV/2010-3. In this communication, after setting out the details of issues between the writ petitioner and the said Shanthi, the Home Secretary has also said that the above said Sridhar is none other than the writ petitioner Vijayakumar's uncle. It has also been pointed out that the writ petitioner had married the said Shanthi in Theerthamalai near Chennai on 1.3.1996 and lived together as spouses for about three months. Thereafter, it is further stated that a complaint of dowry harassment was given by Shanthi against the writ petitioner, which ended in conviction on 18.3.1998.

11 To be noted, the above said Shanthi along with her relatives had allegedly abused the writ petitioner on the same day, namely, 18.3.1998 at 17.30 hours.

12 From the affidavit and submissions made by the learned counsel for the writ petitioner and the learned Additional Government Pleader, it is clear that the first respondent Commission has all powers to examine documents placed before it (including the document that is impugned in the writ petition) and to come to a conclusion about the same in a manner known to law.

13 Learned Additional Government Pleader Mr.R.Vijayakumar brings to the notice of the court various provisions of the Act 1989, wherein and whereby the first respondent Commission has powers to look into the letter, which has been called in question in this writ petition. More over, as stated supra, the above said Shanthi has not been arrayed as one of the respondents.

14 Owing to all that have been stated supra, this writ petition fails and is dismissed.

15 Though obvious, it is made clear that it is open to the writ petitioner to raise all objections that he may have against the impugned communication dated 20.1.2011 bearing reference letter No.51828/Pol.XV/2010-3 issued by the second respondent,

to the first respondent National Commission for Scheduled Castes, if he so desires and the National Commission, I am sure, will look into such objections untrammelled by / not swayed by this order. Considering the nature of the matter, the parties are left to bear their respective costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

vvk

To

1. The Director,
National Commission for Scheduled Caste
Floor No.2, Block No.V, Sasthri Bhavan,
Chennai-600 006.
 2. The Home Secretary to
Government of Tamilnadu,
Fort St. George,
Chennai-600 005.
 3. The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.
 4. The Inspector General of Police,
Social Justice and Human Rights,
O/o Director General of Police,
Dr.Radhakrishnan Salai, Chennai.
 5. The Superintendent of Police,
Vellore District, Vellore.
 6. The Deputy Superintendent of Police,
Ambur Sub Division, Vellore District.
- +1 CC to Mr.T. Muruganantahm, Advocate sr 41475
+1 CC to Govt. Pleader sr 41720

W.P.No.1172 of 2012

RR (CO)
sp/23/6