



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.2148 of 2017

P.Senthil Kumar

... Petitioner

-vs-

- 1.The National Commission for Scheduled Castes,
Rep. by its Secretary,
5th Floor, Loknayak Bhavan,
Khan Market,
New Delhi - 110 003.
- 2.The Director,
National Commission for Scheduled Castes,
Chennai Regional Office,
2nd Floor, Block No.5,
Shastri Bhavan,
Chennai.
- 3.The State of Tamil Nadu,
Rep. by its Chief Secretary,
Fort St. George,
Chennai.
- 4.The District Collector,
Sivagangai District,
Sivagangai.
- 5.The Superintendent of Police,
Sivagangai District,
Sivagangai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the 1st respondent to consider and pass orders on the complaint preferred by the petitioner dated 15.12.2016, within the time that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.T.S.Mohammed Mohideen
3 to 5 Additional Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the 1st respondent to consider and pass orders on the complaint preferred by the petitioner dated 15.12.2016, within a time frame.



2.It is the case of the petitioner that he belongs to Scheduled Caste Community and that members of the upper caste prevents the members of the scheduled caste from celebrating Vinayahar Sathurthi festival. In this regard, the petitioner has sent a representation to the National Commission for Scheduled Castes, New Delhi, pursuant to which the Commission has addressed two communications dated 22.12.2016 and 26.12.2016 to the Superintendent of Police, Sivagangai calling for remarks. While so, the petitioner is before this Court with the above prayer.

3.In the considered opinion of the Court, this Court cannot issue a mandamus as prayed for by the petitioner directing the National Commission for Scheduled Castes to dispose of his representation in as much as the said Commission has been constituted under Article 338 of the Constitution of India and it has its own procedure for dealing with the complaints of discrimination. The fact remains that the Commission is seized of the matter and is actively looking into it.

4.Learned Additional Government Pleader appearing for the respondents 3 to 5 submitted that in respect of the dispute between the petitioner and caste Hindus two F.I.Rs. have been registered under Section 107 Cr.P.C.

5.Under such circumstances, recording the same, this Writ Petition is closed with a direction to the Superintendent of Police, Sivagangai District to direct the Deputy Superintendent of Police for the concerned Sub-Division to take appropriate action under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as and when cognizable offence occur with regard to the dispute. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The National Commission for Scheduled Castes,
Rep. by its Secretary,
5th Floor, Loknayak Bhavan,
Khan Market, New Delhi - 110 003.

2.The Director,
National Commission for Scheduled Castes,
Chennai Regional Office,
288, Elnoyar Street, Police Station No.5,
Shastri Bhavan,
Chennai.



3.The Chief Secretary,
State of Tamil Nadu,
Fort St. George,
Chennai.

4.The District Collector,
Sivagangai District,
Sivagangai.

5.The Superintendent of Police,
Sivagangai District,
Sivagangai.

+1CC to M/S.Ajmal Associates, Advocate, SR.No. 13396
+1CC to the Special Government Pleader SR.No. 13458

W.P. (MD) No.2148 of 2017
08.03.2017

sj
AM/RR/27.03.2017/3P/8C