



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.11.2019
CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.18077 of 2019

and

W.M.P. (MD)Nos.14537 & 20265 of 2019

G.Rosammal (died)

Gandhi

... Petitioner

(Petitioner is substituted as petitioner vide order dated 08.11.2019 in W.M.P. (MD)No.20265 of 2019 by GKIJ)

Vs.

- 1.The State of Tamil Nadu,
Represented by its,
Adi Dravidar Welfare Department,
Secretariat, Fort.St.George,
Chennai-600 009.
- 2.The District Collector,
Office of the District Collector,
Madurai District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 4.The Deputy Superintendent of Police,
Samayanallur Police Sub-Division,
Samayanallur, Madurai District.
- 5.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 and 2 to provide pension to the mother of the deceased by name Senthil Kumar, and employment to one of the family member of the deceased, and allot agriculture land and house, under Rule 12 (4), Serial No.46 of the [Annexure] Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Amended Act, 2018, consequently direct the respondents 1 to 3 to pay relief amount to the family of the deceased relating to the murder of the petitioner's son under Rule



12 (4), Serial No.45 of the Annexure 1 Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amended Act, 2018 within the time stipulated by this Court.

For Petitioner : Mr.R.Alaglumani
For Respondents : Mr.A.Aanandharaj
Additional Public Prosecutor

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ORDER

This writ petition has been filed seeking direction to direct the respondents 1 and 2 to provide pension to the mother of the deceased by name Senthil Kumar, and employment to one of the family member of the deceased, and allot agriculture land and house, under Rule 12 (4), Serial No.46 of the [Annexure] Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Amended Act, 2018, consequently direct the respondents 1 to 3 to pay relief amount to the family of the deceased relating to the murder of the petitioner's son under Rule 12 (4), Serial No.45 of the Annexure 1 Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amended Act, 2018 within the time stipulated by this Court.

2. The learned counsel for the petitioner would submit that the petitioner's son was attacked and murdered by the accused persons. On the complaint lodged by the petitioner, the fifth respondent registered a case in Crime No.185 of 2019 for the offences under Sections 147, 148, 302, 342, 506 (ii) IPC r/w 3 (2) (v) of SC/ST (POA) Amendment Act, 2015. Therefore, the petitioner is entitled for the benefits under the SC/ST Act Rules. Though, the fifth respondent registered the case, till today, no Special Investigating Officer was not appointed as per the Act and no investigation was not conducted. Therefore, the mother of the deceased filed this Writ Petition seeking the relief of compensation, pension, employment to any of the family members and allot the agricultural land under Rule 12 (4), Serial No.45 of the Annexure 1 Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amended Act, 2018.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that after registration of FIR, the Deputy Superintendent of Police, Samayanallur Sub-Division, was appointed as a Investigating Officer. Thereafter, he conducted enquiry and completed the investigation and also filed a final report. He further submitted that in so far as the compensation is concerned 50 % of the relief amount of Rs.4,12,500/- was claimed as per the order of the District Collector, Madurai in Pro.Roc.No.32541/2019/L6 dated 01.10.2019 and sent to the account of Thiru Gandhi, the father of the deceased to his Saving Bank A/c.3651378220 in Central Bank of India, South Gate Branch, Madurai. In so far as the pension is concerned, originally, the Writ Petition was filed by the mother of the deceased. During the pendency of this petition, she died. Hence,



the father of the victim substituted this petition. Therefore, the petitioner has not entitled for pension. However, in respect of the other relieves such as, employment and the agricultural land, the representation of the petitioner is already pending before the third respondent.

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4. Considering the above facts and circumstances, the third respondent is directed to forward the said representation to the second respondent. On receipt of the same, the second respondent is directed to consider the representation of the petitioner and pass orders on merits in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, W.M.P.(MD)No.20265 of 2019 stands allowed and W.M.P.(MD)No.14537 of 2019 is closed.

Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

dss

To

1. The Principal Secretary,
The State of Tamil Nadu,
Adi Dravidar Welfare Department,
Secretariat, Fort.St.George,
Chennai-600 009.
- 2.The District Collector,
Office of the District Collector,
Madurai District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 4.The Deputy Superintendent of Police,
Samayanallur Police Sub-Division,
Samayanallur, Madurai District.
- 5.The Inspector of Police,
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