



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.20296 of 2019

S.Palanisamy

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep by its Secretary to Home Department,
Fort ST.George,
Chennai-09.
- 2.State of Tamil Nadu,
Rep by its Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai-09.
- 3.The District Collector and Chairman,
D.R.D.A., Trichy, (District Rural Development Authority)
Collectorate Campus, Trichy.
- 4.The Superintendent of Police,
Trichy District,
Trichy.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the third respondent to give remaining compensation amount to the petitioner as per the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 by considering the petitioner's representation dated 19.06.2019 within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.V.Muthukamatchi

For Respondents : Mr.A.Aanandharaj
Additional Public Prosecutor

ORDER

This writ petition has been filed for seeking direction to direct the third respondent to give remaining compensation amount to
<https://hcservices.ecourts.gov.in/hcservices/>



the petitioner as per the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 by considering the petitioner's representation dated 19.06.2019 within a stipulated time as may be fixed by this Court.

2. The petitioner belongs to Scheduled Caste Community. The petitioner's son was brutally murdered on 26.04.2015. Therefore, a case has been registered in Crime No. 342 of 2015 for the offence under Sections 147, 148, 341, 324, 302 of IPC r/w Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. After completion of investigation, the trial commenced and ended in acquittal on 27.04.2017. After the postmortem report, the third respondent has paid a sum of Rs.5,62,500/- as compensation on 30.04.2015 (75% out of total compensation of Rs.7,50,000/-) and after completing the trial, the third respondent has not paid the remaining 25% of compensation till date.

3. Apart from that, as per the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) [Amendment Rules, 2016], the petitioner legally entitled for getting compensation as sum of Rs.8,25,000/-. The occurrence took place on 26.04.2015. Hence, the petitioner is not entitled the benefit as per Amendment Rules, 2016, dated 14.04.2016. However, the third respondent is directed to disburse the remaining 25% of compensation within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (crl side)

// True Copy //

Sub Assistant Registrar(CS)

dss

To

1.The Secretary to Home Department,
State of Tamil Nadu,
Fort ST.George, Chennai-09.

2.The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai-09.



3.The District Collector and Chairman,
D.R.D.A., Trichy, (District Rural Development Authority)
Collectorate Campus, Trichy.

4.The Superintendent of Police,
Trichy District, Trichy.

+1 CC to Mr.V.MUTHUKAMATCHI, Advocate (SR-97112[F]dated
08/11/2019)

W.P. (MD) No.20296 of 2019
08.11.2019

VB(28.11.2019) 3P 6C