



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.5910 of 2019

1. Dr.A.Annadurai (deceased)
 2. Sellammal
 3. A.Dharani
- ... Petitioners

(Petitioners 2 and 3 substituted as Legal Heirs of the deceased 1st Petitioner vide order dated 04.03.2021 in W.M.P.No.6123 of 2021 in W.P.No.5910 of 2019)

vs.

1. Ministry of Social Justice and Empowerment,
represented by Under Secretary,
Room No.622, A-Wing,
Shastri Bhavan,
New Delhi - 110 001.
2. The Principal Secretary to Government,
Government of Tamil Nadu,
Department of Adi Dravidar and Tribal Welfare,
St. George Fort,
Chennai 600 009.
3. The District Collector,
Namakkal District - 637 003.
4. The Director,
Department of Adi Dravidar Welfare,
Chennai 600 005.
5. The Revenue Divisional Officer,
Namakkal District - 637 001.
6. The District Adi Dravidar and Tribal Welfare Officer,
Namakkal District - 637 003.
7. The Superintendent of Police,
District Police Office,
Namakkal District - 637 003.



8. The Deputy Superintendent of Police,
Namakkal Taluk & District - 637 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 4th Respondent to consider the representation dated 15.11.2018 given by the 1st Petitioner to the Respondents and award immediate relief and mandatory compensation as per the provisions of SC/ST (POA) Act and Rules.

For Petitioners	:	Mr.P.Tamilavel
For 1 st Respondent	:	No appearance
For Respondents 2 to 8	:	Mr.U.Baranidharan, Addl. Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the 4th Respondent to consider the 1st Petitioner's representation dated 15.11.2018 addressed to the Respondents, and award immediate relief and mandatory compensation as per the provisions of SC/ST (POA) Act and Rules.

2. The 1st Petitioner viz. Dr.A.Annadurai died during the pendency of the Writ Petition. Though, one Sellammal was arrayed as the 2nd Petitioner at the time of filing this Writ Petition, after the demise of the 1st Petitioner, W.M.P.No.6123 of 2021 was filed seeking substitution of the legal heirs of the deceased 1st Petitioner and the said Miscellaneous Petition was ordered, inadvertently including the 2nd Petitioner Sellammal, who had already been arrayed as a party to the Writ Petition.

3. In the Affidavit filed by the Petitioners, it is stated that, the property in Survey Nos.317/9 to 13 and 317/1 to 8, 312/3, 5, measuring an extent of 8 acres situated at Perumpalipatti, Elur Village, Namakkal Taluk and District, belongs to the 1st Petitioner's father and mother and that, the 1st Petitioner was in possession and enjoyment of the same as per the Will executed by his father. There was a cart-track dispute between the 1st Petitioner's father and one Kumarasamy and in that regard, the said Kumarasamy lodged a false complaint to the 7th Respondent on 01.04.2013 against the 1st Petitioner, his father and mother, attracting provisions of 506(ii) I.P.C. The case of the 1st Petitioner was that, as per the SC/ST (POA) Act, any false allegation made against Scheduled Caste people implicating them for the offence under Section 506(ii) I.P.C. is an offence under Section 3(2)(ii) of SC/ST (POA) Act. It is further stated that, the 1st Petitioner's father died on 14.04.2013 due to the harassment and mental agony created by the said Kumarasamy, and hence, the 1st Petitioner lodged a complaint to the police on 14.04.2013, but, no action was initiated



against him.

4. On the basis of the complaints made by the said Kumarasamy, the Inspector of Police, Pudhuchatram Police Station registered an F.I.R. in Crime No.289/2014 on 01.06.2014 under Section 145 Cr.P.C. and the F.I.R. was referred to Revenue Divisional Officer, Namakkal for enquiry. After due enquiry, further action was dropped by the Police, as allegations made against the 1st Petitioner were found to be baseless. Again, a dispute arose between the 1st Petitioner and the said Kumarasamy and hence, the 1st Petitioner filed a Writ Petition in W.P.No.2475 of 2018 before this Court, seeking a direction to register a case against the said Kumarasamy and others. On 01.05.2018, an F.I.R. has been belatedly registered in Crime No.182/2018 under Sections 147, 447 I.P.C. and 3(1)(g), 3(1)(s) of SC/ST (POA) Amendment Act. However, in the F.I.R., offences relating to the years 2013 and 2014 were totally omitted. On the basis of the said F.I.R., a final Report has been filed by the 8th Respondent herein on 19.07.2018 for offence under Sections 447, 506(ii) I.P.C., 3(1)(g), 3(1)(s), 3(2)V(a) of SC/ST (POA) Amendment Act, 2015 and under Section 3(1) of TNPPDL Act.

5. It is stated by the Petitioners that, as per Rule 15 of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act and Rules, 1995 and amended Act and Rules 2016, and as specified in sub-section (11) of Section 15-A of Chapter IV-A of the Act, all victims of atrocities are entitled for mandatory compensation for each and every offence committed against them within a period of seven days from the date of occurrence. The grievance of the Petitioners is that, Respondents did not grant compensation to the Petitioners as mandated in law and has granted only a sum of Rs.75,000/- as compensation.

6. Learned counsel for the Petitioners submitted that, false cases were registered against the Petitioners for three offences and hence, Petitioners are entitled to Rs.2,25,000/- as compensation. He prayed that, since the entire amount has not been paid to the Petitioners, this Court may issue a direction to the Respondents to pay the balance amount of compensation to the Petitioners.

7. Learned Additional Government Pleader appearing for the Respondents, with reference to the counter Affidavit filed by the 8th Respondent submitted that, the compensation amount in F.I.R. stage is 25%, i.e. Rs.25,000/- x 2 = Rs.50,000/- and at charge sheet stage, it is 50%, i.e. Rs.50,000/- x 2 = Rs.1,00,000/-, totalling to Rs.1,50,000/-. He further submitted that, Rs.75,000/- each was credited to the Accounts of the Petitioners viz. Annadurai and Sellammal vide proceedings dated 08.11.2018 of the District Collector, Namakkal. On receipt of



the proceedings, Petitioners made a representation on 15.11.2018 to the Ministry of Social Justice and Empowerment, New Delhi, requesting to pay compensation for offences committed by the accused related to the years 2013 to 2017 under Sections 3(2) (ii), 3(1)(s) and 3(1)(g) of SC/ST (POA) Amendment Act, to the tune of Rs.1,09,90,000/- mandated by latest statutory Rules. According to the learned Additional Government Pleader, the claim of the Petitioners in their representation, is unlawful, as the mandatory compensation amount was given to the Petitioners as per the provisions of law.

8. Heard the learned counsel on either side and perused the material documents available on record.

9. Admittedly, Petitioners are victims of atrocities committed by the accused in Crime No.289/2014 and they are entitled to mandatory compensation as per Rule 15 of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act and Rules, 1995 and amended Act and Rules 2016, and as specified in sub-section (11) of Section 15-A of Chapter IV-A of the Act. In the counter Affidavit, the 8th Respondent has clearly stated that, the eligible mandatory compensation of Rs.1,50,000/- was given to the victim in the case on hand, i.e. to the 1st Petitioner and his mother, the 2nd Petitioner herein. In the counter, it is also stated that, during the pendency of the Writ Petition, Petitioners made a representation to claim compensation for all the offences relating from 2013 to 2017 and that, the F.I.R. registered in Crime No.182 of 2018 is pending trial before the Principal District Sessions Court, Namakkal in Spl.S.C.No.04/2018, dated 01.09.2018.

10. As it is represented by the learned Additional Government Pleader that, the Charge Sheet filed against the accused ended in acquittal, this Court is of the view that, Petitioners are not entitled to any further compensation.

11. In view of the aforesaid discussion, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

(aeb)



To:

1. The Under Secretary,
Ministry of Social Justice and Empowerment,
Room No.622, A-Wing,
Shastri Bhavan,
New Delhi - 110 001.
2. The Principal Secretary to Government,
Government of Tamil Nadu,
Department of Adi Dravidar and Tribal Welfare,
St. George Fort,
Chennai 600 009.
3. The District Collector,
Namakkal District - 637 003.
4. The Director,
Department of Adi Dravidar Welfare,
Chennai 600 005.
5. The Revenue Divisional Officer,
Namakkal District - 637 001.
6. The District Adi Dravidar and Tribal Welfare Officer,
Namakkal District - 637 003.
7. The Superintendent of Police,
District Police Office,
Namakkal District - 637 003.
8. The Deputy Superintendent of Police,
Namakkal Taluk & District - 637 003.

+1cc to the Government Pleader, S.R.No.60039

W.P.No.5910 of 2019

GPL (CO)
CT 16/03/2022