



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.09.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.20573 of 2021

A.Subash Chandran
S/o Late.Arumugam

... Petitioner

Versus

1. The Superintendent of Police,
Tirupattur District,
Office of the Superintendent of Police,
Pudhupet Road,
Tirupattur.
 2. The Inspector of Police,
Office of the Inspector of Police,
Ambalur Police Station,
Thirupattur District.
 3. Sathiyamoorthi, Advocate,
Pudukoil, Bethakallupalli Mathura Village,
Natrampalli Taluka,
Tirupattur District.
-Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents herein to take further action based on the petitioner's representation dated 09.02.2021, 12.03.2021 and CSR No.38 of 2021 dated 12.02.2021.

For Petitioner	:	Mr.N.Sakthivel
For Respondents	:	Mr.A.Damodaran
		Addl.Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner/defacto complainant lodged a complaint against the 3rd respondent for abusing and threatening him by calling his caste name, which would attract offence under the provisions of SC/ST (Prevention of Atrocities) Amendment Act, 2015. Despite receipt of complaint, no action take. As per the provisions of SC/ST Act, the officers are duty bound to



immediately register the F.I.R. or else, they can be proceeded with.

2. The contention of the petitioner is that, he sent representation on 09.02.2021 and on 12.02.2021, C.S.R.No. 38 of 2021 assigned, but so far, no action taken. It is further contention that the petitioner, for the past 27 years running an Orphanage and Helpage Home, wherein 187 persons are staying including deserted children, elders and sick persons. The petitioner is a social worker. The petitioner purchased a portion of land in Survey No.303/2A1 situated at Pudukoil, Bethakallupalli Mathura Village, Natrampalli Taluk on 13.03.1996 from one Manoharan after paying sale consideration. The said land is adjacent to the 3rd respondent's land and from that day onwards, the 3rd respondent creating some disturbances or other. On 28.08.1996, the petitioner purchased another portion of land in Survey No.303/9A situated at Jolarpettai Panchayat Union, Vaniyambadi Taluk and these two lands were being under the petitioner's enjoyment and occupation. While being so, the 3rd respondent on the strength of being an Advocate had abused the petitioner and further claimed that the petitioner hailing from Scheduled caste community, how he can own a land adjacent to 3rd respondent. On 09.02.2021 at about 05.30 p.m. again threatened and abused by calling his caste name. When the village common people had intervened and advised the 3rd respondent not to use derogatory or abusive language, the 3rd respondent claimed that nobody can do anything to it and if he desires, he can finish of a person and also threatened the petitioner. Hence, the petitioner lodged a complaint.

3. The learned Additional Public Prosecutor would submit that in this case, on the complaint received from the petitioner, C.S.R. Number assigned and since it appears to be a land dispute between the petitioner and the 3rd respondent, the 2nd respondent advised them to approach the civil court.

4. The learned counsel appearing for petitioner would submit that the 3rd respondent being an advocate, the respondent police are hesitant to take action on the complaint of the petitioner. The complaint of the petitioner prima facie disclose the offence of cognizable offence, more particularly, the offence under SC/ST (Prevention of Atrocities) Amendment Act.

5. Heard the rival submissions of learned counsel appearing for petitioner and learned Additional Public Prosecutor appearing for respondents 1 and 2 and perused the records.

6. Considering the submissions and on perusal of materials, this Court directs the petitioner to submit the complaint to the Deputy Superintendent of Police, Tirupattur District, along with necessary documents in conformity to his



complaint. Thereafter, if cognizable offence including SC/ST Act is made out, the Deputy Superintendent of Police, Tirupattur District, after getting appropriate orders from the Superintendent of Police, register the F.I.R. and to proceed with investigation without any delay. It is also reminded that as per SC/ST Act, inaction by a public servant, top priority to be given to complete the investigation and to file a final report before the concerned Sessions Court. Further, Section 4 deals with duties of public servant dealing with SC/ST Act cases.

7. With the above observation, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rpp/nr
To

1. The Superintendent of Police,
Tirupattur District,
Office of the Superintendent of Police,
Pudhupet Road,
Tirupattur.
2. The Inspector of Police,
Office of the Inspector of Police,
Ambalur Police Station,
Thirupattur District.
3. The Deputy Superintendent of Police,
Thirupattur District.
4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.N.Sakthivel, Advocate Sr.NO. 50461

W.P.No.20573 of 2021

PVS (CO)
A.SK(13.10.2021)