

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM

THE HONOURABLE MRS.JUSTICE **PUSHPA SATHYANARAYANA**

W.P.No.11567 of 2020
(Heard Through VC)

R.Sundaravel

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep by its Secretary to Government,
Home Department, Fort St.George,
Chennai – 600 009.
 2. The District Collector,
Collectorate, Cuddalore District,
Cuddalore District, Cuddalore.
 3. The Deputy Superintendent of Police,
Thittakudi Sub-Division,
Cuddalore District.
 4. The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
- ...Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to take appropriate immediate urgent steps to the petitioner's family, (a) employment to one member of the family, (b) one house, (c) full cost of the education up to graduation and maintenance of the petitioner's five children including the cost of the hostel stay for the petitioner's elder daughter, Saritha and the victim daughter, Suriyakala, who are interested to pursue their studies in Government Girls Higher Secondary School, Trichy by staying in hostel, as provided in Annexure-I in the schedule to the Scheduled Castes and the Schedule Tribes (Prevention of Atrocities) Rules 1995, captioned as "Additional Relief" at Serial No.46(i) and(ii) of the tabular column, based on the petitioner's representation dated 15.04.2007 within a time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

ORDER

The petitioner has sought for a direction to the respondents to take appropriate steps to (a) provide employment to one member of the petitioner's family, (b) one house, and (c) entire cost of the education and maintenance of the wife and children, including the hostel stay, etc., as

provided in Annexure-I in the schedule to the Scheduled Castes and the Schedule Tribes (Prevention of Atrocities) Rules 1995, captioned as “Additional Relief” at Serial No.46(i) and (ii) of the tabular column, based on the petitioner's representation dated 15.04.2007 within a time frame fixed by this Court.

2. The case of the petitioner is as follows :

2.1. The petitioner, who hails from Ma.Podaiyur village of Cuddalore District, is eking out his life by doing agricultural coolie work in the State of Kerala. His wife is an agricultural coolie in their locality. They belong to Scheduled Caste and have five daughters. Suriyakala is their second daughter, who was born on 12.02.2002. She discontinued her studies in Standard VIII.

2.2. On the alleged date of occurrence, i.e., on 24.12.2016 at about 4.00 p.m., when she was returning to their home, after meeting her mother at her workplace, she was intercepted by the accused persons, who forcibly kidnapped her and committed the heinous crime of rape on her. They also allegedly videographed the occurrence in their cell phones and threatened

her not to reveal the occurrence to anyone, otherwise she would be done to death. However, after hearing the hue and cry of the victim, the persons near the scene of occurrence rushed there and on seeing them, the accused ran away.

2.3. A compliant was lodged with the fourth respondent police on 02.01.2017. It is alleged that during the course of investigation, the victim was harassed by the police officials under the guise of enquiry and she was also forced to withdraw the complaint. It is also alleged that a person named in the complaint was not arrayed as accused. However, after some delay, the complaint was registered on 03.01.2017 in Crime No.4 of 2017 for the offences under Sections 3, 4 and 5(g) of the Protection of Children from Sexual Offences Act, 2012, Section 3(2)(v) (a) of the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Amendment Act 2015 and Section 341 and 506(i) IPC.

2.4. The petitioner stated that as per the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Rules, a part of the relief amount of Rs.4,12,500/- out of Rs.8,25,000/- was disbursed to the victim. However, the additional reliefs mandated under the said Act were not provided to her.

The petitioner made a representation dated 15.04.2017 to the respondents 1 and 2 seeking the said reliefs, which were mandated under the rules. Since there is no response from those respondents, the petitioner is before this Court in this writ petition.

3. The second respondent filed two separate counter-affidavits dated nil, one in July, 2017 and the other in January, 2020. While the former affidavit speaks about the immediate reliefs granted to the victim and her family, in the latter counter-affidavit, the second respondent stated that out of Rs.8,25,000/-, which is to be paid to the victim as compensation, 75% of the said sum, i.e., Rs.6,18,750/-, was paid to the victim and the remaining 25% of the compensation would be paid on conclusion of the trial. As far as the additional reliefs are concerned, it is stated that the utensils, rice, etc., were granted on 29.01.2017 itself ; the mother of the victim is being paid a sum of Rs.5,000/- p.m., with applicable Dearness Allowance as applicable to Government servants ; and also though the employment relief is liable to be granted only in the case of death, the mother of the victim was appointed as Cook in the Government Boys Hostel, Melavanniyur, vide proceedings

dated 23.08.2018. The second respondent also stated that the relief of education to the siblings of the victim cannot be granted, as the children of the victim alone are entitled to the said relief. Thus, the second respondent sought for dismissal of this writ petition.

4. The fourth respondent filed a counter-affidavit dated 16.06.2017 narrating the stages of the investigation of the case in Crime No.4 of 2017 at that time.

5. Heard both sides and perused the materials placed before this Court.

6. The learned counsel appearing for the petitioner submitted that the facts are not in dispute and he admitted that employment to one member of the family has been given and the only benefit, which is yet to be extended is provisioning of house to the family of the victim.

7. Mr.V.Shanmuga Sundar, learned Special Government Pleader

represented that on 18.03.2020, by proceedings in Na.Ka.No.A5/1737/2017 issued by the Block Development Officer, Mangalore, the order for construction of a house was issued to the petitioner giving out the schedule of construction, as per which, the construction of the house has to be completed on or before 03.06.2020 and the beneficiary should be given possession on 03.06.2020.

8. Learned counsel for the petitioner is unable to verify the same. However, as the BDO has already taken steps for constructing a house and handing over the possession of the same to the beneficiary, recording the said letter of the BDO, dated 18.03.2020, this writ petition is disposed of.

9. Post the matter on 28.08.2020 “for compliance”.

13.07.2020

Index : Yes / No

Internet : Yes

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PUSHPA SATHYANARAYANA, J.

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To

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2. The District Collector,
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