



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27284 of 2021

and

W.M.P.Nos.28797 & 28798 of 2021

1. C.Udhayan
2. C.Chinna Kanna @ Udhaya Dhasan
3. B.Sathyaraj
4. C.Ungu @ Rajalakshmi
5. U.Priya @ Anitha
6. P.Arulmani

...Petitioners

Vs.

1. The State of Tamilnadu, rep by.
The Director of Refugees Rehabilitation
Ezhilagam, Chenna - 600 005.
2. The District Collector,
Dharmapuri.
3. The Taluk Supply Officer,
Karimangalam Taluk, Dharmapuri District.
4. The Revenue Inspector (Refugees Camp)
Karimangalam Taluk Office,
Dharmapuri District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or other appropriate writ or order in the nature of writ forbearing the respondents 2 to 4 herein, from stopping the supply of refugee food, ration and refugee assistance money, as herein before given to the petitioners herein, in the Thumbalahalli Refugee Camp, Dharmapuri in pursuant to the representation dated 27.11.2021.

For Petitioner : Mr.R.Selvakumar

For Respondents: Mrs.C.Sangamithirai
Special Government Pleader



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to consider the petitioners' representation dated 27.11.2021. and to forbear the respondents 2 to 4, from stopping the supply of refugee food, ration and refugee assistance money given to the petitioners herein.

2. The case of the petitioner is that the petitioners herein except the 5th petitioner are refugees from SriLanka having been accommodated by the Government for over two decades and doing various physical jobs offered to them to meet their day to day needs. The Tamilnadu State Government provided various assistance both monetary assistance as well as ration supply to the petitioners herein and the respondents 2 to 4 used to provide rice and monetary assistance of Rs.1000 for male and Rs.750 for female and Rs.400 for a child. While being so, the 1st petitioner's wife was raped by two persons namely Kandiban and Sudha, and on knowing about the said incident, the 1st petitioner lodged a complaint before the Karimangalam Police on 26.06.2021 in Crime No.351 of 2021 under Section 376 of IPC and the accused persons have been arrested. Aggrieved over the same, the wife of the 1st accused in Crime No.351 of 2021 had preferred a false complaint against the petitioners and the same has been taken on file in Crime No.359 of 2021 for offences under Sections 147, 148, 294(b), 323 and 324 of IPC only due to wreck vengeance. Thereafter, the respondents 2 to 4 have stopped both the ration supply and monetary assistance for the past 5 months on the ground that criminal case is pending against the petitioners herein in Crime No.359 of 2021. The 1st petitioner made representations before the 1st respondent on 05.10.2021 and 27.11.2021, however, till date no orders have been passed on the same. Hence, this Writ petition is filed.

3.The learned counsel for the petitioners submitted that even on a bare perusal of FIR against the petitioners in Crime No.359 of 2021, it reveals that it is a false complaint that has been deliberately lodged by the 1st accused's wife in order to pressurize the 1st petitioner to withdraw the complaint, however, without verifying the facts, respondents 2 to 4 have stopped the ration and monetary assistance of the petitioners. He further submitted that, due to stoppage of assistance, the petitioners are starving without food and medical care. Hence, he submitted that, it would suffice if this Court issues direction to the respondents 2 to 4 to consider the 1st petitioner's representation dated 27.11.2021 and to provide them with the monetary assistance as well as the ration supply as early as possible.

4.The learned Special Government Pleader appearing for the



respondents vehemently opposed for the above order being passed and opposed for providing the monetary relief to the petitioners.

5. In view of the above submissions made by the learned counsel for the petitioner and on perusal of the FIR in Cr.No.359, it is clear that prima facie, it appears that the petitioners are not involved in any heinous offences as mentioned by the learned counsel and it is alleged only to wreck vengeance, the accused person's wife has filed a false complaint against the petitioners. Though this petition has been filed for Mandamus, however, in view of the aforesaid facts, this Court in exercise of its extra ordinary jurisdiction directs the respondents 2 to 4 to continue the supply of ration and other monetary benefits to the petitioners and their family members.

6. With the aforesaid direction, this Writ petition is accordingly allowed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

skt

To

1. The State of Tamilnadu, rep by.
The Director of Refugees Rehabilitation
Ezhilagam, Chenna - 600 005.
2. The District Collector,
Dharmapuri.
3. The Taluk Supply Officer,
Karimangalam Taluk, Dharmapuri District.
4. The Revenue Inspector (Refugees Camp)
Karimangalam Taluk Office,
Dharmapuri District.

+lcc to Mr.R.Selvakumar, Advocate, S.R.No.68900

+lcc to the Government Pleader, S.R.No.69563

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PMK(CO)
RGA(28/02/2022)