

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.16019 of 2022

Vaiyapuri Shankar

...Petitioner

Vs.

1.The District Collector
Dharmapuri District

2.The District Revenue Officer
Dharmapuri District

3.The Director
National Commission for Scheduled Caste
Shastri Bhawan
Nungambakkam
Chennai - 600 006

4.The Superintendent of Police
Office of the District Superintendent of Police
Dharmapuri District

5.Sai Kannan

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the petitioner appeal dated 06.05.2022 and to conduct a detailed enquiry to remove the untouchability fencing permanently.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents : Mr.A.Gokulakrishnan for R1 to R4
Additional Public Prosecutor

O R D E R

The Writ Petition has been filed seeking for issuance of Writ of Mandamus to direct the the 2nd respondent to dispose of the petitioner appeal dated 06.05.2022 and consequently conduct a detailed enquiry to remove the untouchability fencing permanently.

2. According to the petitioner, he had purchased a land to an extent of 2 acre, wherein, there is a common pathway connecting panchayat road and he has been doing his

agricultural activities in the said land for more than 50 decades. While so, one Mr. Sai Kannan resorted to disturb the petitioner as he belongs to Dalit community and forced him to sell the land. Despite the disturbance, he was continuing his agricultural activities. However, on 07.09.2020, Mr.Sai Kannan had put up an untouchable fencing the common pathway restraining him to enter into his property. Thereafter, after several representation, he filed a Writ Petition in W.P.No.4882 of 2022 and this Court directed the respondent to dispose of the representation. Pursuant to which, the respondent on 28.04.2022 without conducting proper enquiry had rejected his claim unilaterally. Challenging the same, on 06.05.2022, he filed an appeal before the second respondent and the same is pending without any consideration. Hence, the present petition.

3. Heard the learned the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 4.

4. Considering the limited relief sought for the petitioner, this Court, without going into merits of the case, directs the second respondent to dispose of the appeal dated 06.05.2022 made by the petitioner, on merits and in accordance with law, after affording reasonable opportunity of hearing to him as well as any other interested parties as expeditiously as possible. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

dhk

To

- 1.The District Collector, Dharmapuri District.
- 2.The District Revenue Officer, Dharmapuri District.
- 3.The Director,
National Commission for Scheduled Caste,
Shastri Bhawan, Nungambakkam, Chennai - 600 006.
- 4.The Superintendent of Police,
Office of the District Superintendent of Police,
Dharmapuri District.

W.P. No.16019 of 2022

RK (CO)
PR (13/07/2022)