



W.P. No. 30618 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30618 of 2017

P. Sureshkumar

... Petitioner

-VS-

1. The State of Tamil Nadu,
represented by the Secretary to Government,
Home Department,
Fort St.George,
Chennai – 600 009.

2. The Director General of Police,
Chennai – 600 004.

3. The Superintendent of Police,
Nagapattinam District.

4. Balasubramanian
The Deputy Superintendent of Police,
Vedaranyam,
Nagapattinam District.

5. Arunachalam,
The Inspector of Police,
Kariyapattinam Police Station,
Vedaranyam Taluk,
Nagapattinam District.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First, Second and



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Third Respondents to take appropriate disciplinary action against the Fourth and Fifth Respondents for not following the mandatory requirements of Section 3 of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and as the Fourth and Fifth Respondents have neglected to perform their duty with the specific knowledge of Section 4 of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 by considering the Petitioner's representation dated 03.11.2017.

For Petitioner : No appearance

For Respondents : Mr. V.Jeevagiridharan,
Additional Government Pleader
(for R1 to R3)

R4 & R5 (No appearance)

ORDER

Heard Mr. V.Jeevagiridharan, Learned Additional Government Pleader appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. There is no representation for the Petitioner when the matter is called at 2.22. p.m today.



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3. The Writ Petition has been filed for directing the First, Second and Third Respondents to take appropriate disciplinary action against the Fourth and Fifth Respondents for not following the mandatory requirements of Section 3 of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the Act' for short) and as the Fourth and Fifth Respondents have neglected to perform their duty with the specific knowledge of Section 4 of the Act by considering the representation dated 03.11.2017 made by the Petitioner.

4. The Third Respondent has filed affidavit dated 06.07.2022 in which it has been stated as follows:-

“1. The History of the case is that the Petitioner was a Teacher at Nagakudaiyan Government High School, Nagakudaiyan West, Vedaranyam Taluk, Nagapattinam District. He belongs to Scheduled Caste community. He was in the habit of coming to School at irregular times and on that account, on 30.06.2017 the Headmaster of the School had castigated him and asked him to attend the School at the appropriate time. Enraged over it, the Petitioner in this case used filthy language against the



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Headmaster of the School and physically assaulted him. In this connection, the Headmaster filed a complaint with the Kariyapattinam Police Station. A case in Cr. No. 135 of 2017 under Sections 294(b) and 323 IPC was registered against this Petitioner.

2. *However, on the same evening this Petitioner preferred a complaint against the Headmaster, stating that the Headmaster had called him by this caste and requested to take necessary action against the Headmaster. The Petition was received at the Police Station, Kariyapattinam and was assigned the Petition No. 113 of 2017 dated 30.06.2017. The Petitioner even did not bother to receive the petition receipt and went away on his own volition. The residential address of the Petitioner was also not known. Based on the petition received, the Sub-Inspector of Police, Kariyapattinam had on 03.07.2017 took up preliminary enquiry of the petition and went to the School and enquired with the teachers and students of the school. During the enquiry by the Sub-Inspector of Police, it came to light that no such incident*



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as stated by this Petitioner in his petition had happened and hence,

the Sub Inspector of Police returned to the Station and on 04.07.2017 at 06.00 had closed the petition of devoid of truth.

The Sub-Inspector of Police had made necessary entries in the General Diary of the Kariyapattinam Police Station at 06.00 Hrs.

on 04.07.2017. Accordingly, the contents of the petition was not

known to the Fourth and Fifth Respondents. In the meanwhile,

the Fourth Respondent had retired from service on 31.03.2020.

The Fifth Respondent had also went on Voluntary Retirement Scheme on 31.08.2017.

3. *Under these circumstances, I submit to state that necessary action on the petition of this Petitioner was taken and closed as 'no such incident' had taken place. On that account necessary entries are found in the General Diary of the Kariyapattinam Police Station on the date and time of 04.07.2017 at 06.00 Hrs. The Fourth and Fifth Respondents against whom disciplinary action are being requested had also retired from Service. In the circumstances I humbly request this Hon'ble Court to treat this*



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matter as closed and pass such orders this Hon'ble Court deem

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In view of the aforesaid action taken, nothing remains for further consideration in the matter.

In fine, the Writ Petition is disposed. No costs.

12.07.2022

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Index: Yes/No

Note: Issue order copy by 26.07.2022.

To

1. The Secretary to Government,
The State of Tamil Nadu,
Home Department,
Fort St.George,
Chennai – 600 009.
2. The Director General of Police,
Chennai – 600 004.
3. The Superintendent of Police,
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4. Balasubramanian
The Deputy Superintendent of Police,
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5. Arunachalam,
The Inspector of Police,
Kariyapattinam Police Station,
Vedaranyam Taluk,
Nagapattinam District.

Copy to

P.Sureshkumar,
S/o. K.Palanivelu,
New Adi Dravida Street,
Karuppur Naducauvery via,
Thiruvaiyaru Taluk,
Thanjavur District.



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P.D. AUDIKESAVALU, J.

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