



WEB COPY



W.P.No.30254 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P No.30254 of 2022

Kuppusamy

.. Petitioner

Vs.

1. The District Collector,
The Office of Tiruppur District Collectorate,
Tiruppur 641 604.
2. The Superintendent of Police
Tiruppur District, Tiruppur 641 604.
3. The District Adi-Dravidar and Tribal Welfare Officer,
Tiruppur District,
Tiruppur 641 604.
4. The Deputy Superintendent of Police,
Dharapuram Sub Division,
Dharapuram, Tiruppur District 638 656.
5. Selvi

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 11.09.2021 and petitioner's reminder letter dated 20.11.2021 in the light of the final report in FIR



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No.1249 of 2020 on the file the Judicial Magistrate, Dharapuram and admission statement of 5th respondent in Spl.S.C.No.1 of 2021 in FIR No.1868 of 2020 on the file of the Principal Session Court at Tiruppur to recovering the total relief amount of Rs.1,00,000/- from the 5th respondent within the time stipulated by this Court.

For Petitioner : Mr.K.V.Muthu Visakan

For Respondents : Mr.S.Santhosh
Gov. Advocate (Crl.Side) for R1 to R4

ORDER

This writ petition has been filed to direct the respondents 1 to 3 to consider the representation of the petitioner dated 11.09.2021 and petitioner's reminder letter dated 20.11.2021 in the light of the final report in FIR No.1249 of 2020 on the file the Judicial Magistrate, Dharapuram and admission statement of 5th respondent in Spl.S.C.No.1 of 2021 in FIR No.1868 of 2020 on the file of the Principal Session Court at Tiruppur to recovering the total relief amount of Rs.1,00,000/- from the 5th respondent within the time stipulated by this Court.



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2. The learned counsel appearing for the petitioner submitted that, the fifth respondent filed two complaints against the petitioner under SC & ST Act. Out of which, one case, registered in Crime No.1249 of 2020 was closed as " Mistake of Facts" and another case, registered in Crime No.1868 of 2020 was taken into file as Spl.S.C.No.1 of 2021 on the file of the Principal Sessions Judge, Tiruppur and ended in acquittal, vide judgment dated 30.03.2021, since the 5th respondent herself turned as hostile.

2.1. The learned counsel for the petitioner further submitted that by misusing the provisions of SC & ST Act, the fifth respondent had filed the above said cases and totally she received a sum of Rs.1,00,000/- as monetary relief, as contemplated under the provisions of the above Act. Since the above said criminal cases are ended against the fifth respondent and she is not a victim to get the relief under SC & ST Act, the petitioner gave a representation dated 11.09.2021 to the first respondent to take necessary action to recover the above relief amount from the fifth respondent. However no action was taken till date. Hence the writ petition.



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3. The learned Government Advocate (Crl.Side) appearing for the respondents 1 to 4 submitted that, since the de-facto complainant turned as hostile, the authorities concerned will consider the representation of the petitioner and take necessary action to recover the amount.

4. Inview of the submission made by the learned Government Advocate (Crl.Side), the respondents 1 to 3 are directed to consider the representation of the petitioner dated 11.09.2021 and to take action, on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

15.11.2022

Index:Yes/no
mst

To

1. The District Collector,
The Office of Tiruppur District Collectorate,
Tiruppur 641 604.

2. The Superintendent of Police

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Tiruppur District, Tiruppur 641 604.

3. The District Adi-Dravidar and Tribal Welfare Officer,
Tiruppur District,
Tiruppur 641 604.

4. The Deputy Superintendent of Police,
Dharapuram Sub Division,
Dharapuram, Tiruppur District 638 656.

5. The Public Prosecutor
High Court of Madras.



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V.SIVAGNANAM, J.

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