



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.(MD)No.6893 of 2019

1.G.Mariyammal
2.T.Anandaselvi

... Petitioners

Vs.

1.The Principal Secretary to the Government,
State of Tamil Nadu,
Adi Dravidar Welfare Department,
St George Fort,
Chennai.

2.The Principal Secretary,
State of Tamil Nadu,
Home Department,
Secretariat, Chennai.

3.The Additional Director General of Police,
Crime Branch Crime Investigation Department,
Office of the Additional Director General of Police,
No.220 Pantheon Road,
Egmore, Chennai.

4.The District Collector,
Virudhunagar District.

5.The Inspector of Police,
Vechakarapatti Police Station,
Virudhunagar District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the Respondents 1 & 4 to provide the relief amount, employment, agricultural land and monthly pension to the petitioners under the serial number 45 and 46 of the new Amended the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, for the death of the petitioner's husband, in accordance with law within the time stipulated by this Court.

For Petitioners

: Mr.R.Alagumani

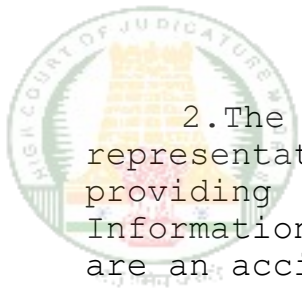
For Respondents

: Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

This Writ Petition is filed by the widows alleging that they belong to Scheduled Caste Community and their husbands died in the serious circumstances, on 22.11.2017. The police registered the First Information Report against one Kannayiram, who is making illegally electrical fence in his land.



2.The case of the petitioner herein is that they given a representation to the District Collector, Virudhunagar, for providing compensation under SC & ST Act, since the First Information Report has been registered the deceased person's death are an accidental death.

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3.The learned Additional Public Prosecutor has submitted that the petitioners herein, suspected the investigation, which was conducted by the police and on earlier occasion, they filed a Writ Petition to transfer the investigation and accordingly, on 21.06.2018, a case was transferred to CBCID and after completion of investigation, final report has been filed for the offences under Sections 302 & 201 IPC, on 16.12.2019 and the same has been taken up for investigation by the learned Additional District Judge, Virudhunagar District in S.C.No.39 of 2020. As per the final report, it is not a case of any atrocities against SC & ST Community. Further, the learned Additional Public Prosecutor also submitted that the petitioners herein have filed a Writ Petition in WP(MD) No.22452 of 2021 for seeking compensation under the Victim Compensation Scheme and the above said Writ Petition is pending.

4.In view of the above fact, the *prima facie* materials collected through investigation indicates that the deceased husbands of the petitioners were pleading from the scene of occurrence, which is the electric fence illegally put up by the persons. There is no material evidence to show that the death was happened to the deceased belonging to the particular community and therefore, providing compensation under provision ST & ST will not arise.

5. However, they entitled for Victim Compensation as laid down under the scheme.

6. It is brought to the notice of this Court that the petitioners have already approached this Court by way of Writ Petition to provide compensation under the Victim Compensation Scheme. Therefore, it is needless to pass any order in this present writ petition and the petitioners are directed to work out their remedy through the above said Writ Petition.

7.With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

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/ /2022

Sub Assistant Registrar(CS)



TO

- 1.The Principal Secretary to the Government,
State of Tamil Nadu,
Adi Dravidar Welfare Department,
St George Fort,
Chennai.
- 2.The Principal Secretary,
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Secretariat, Chennai.
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- 4.The District Collector,
Virudhunagar District.
- 5.The Inspector of Police,
Vechakarapatti Police Station,
Virudhunagar District.
6. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

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TP (CO)
KB (08.02.2022) 3P 7C