



W.P.(MD).No.22531 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22531 of 2022

G.Rajkumar

... Petitioner

vs.

- 1.The State of Tamil Nadu
represented by its District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Adi Dravidar & Tribes Welfare Officer,
Collectorate,
Kokkirakulam,
Tirunelveli.
- 3.The Special Tahsildar,
Adi Dravidar Welfare,
Tirunelveli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to provide all the benefits including widow pension, house site patta to petitioner's daughter and education assistance to his grand daughter



W.P.(MD).No.22531 of 2022

based on the Model Contingency Plan enacted under Rule 15 of the SC/ST (Prevention of Atrocities) Rules, 2016, by considering the petitioner's representation, dated 16.12.2020 and 11.08.2022.

For Petitioner : Mr.I.Robert Chandrakumar

For R1 to R3 : Mr.D.Sadiq Raja

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to provide all the benefits including widow pension, house site patta to petitioner's daughter and education assistance to his granddaughter, based on the Model Contingency Plan enacted under Rule 15 of the SC/ST (Prevention of Atrocities) Rules, 2016, by considering the petitioner's representation, dated 16.12.2020 and 11.08.2022.

2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.



W.P.(MD).No.22531 of 2022

WEB COPY

3. The case of the petitioner is that there were civil disputes between the petitioner and one Bala Murugan and he has filed a suit in O.S.No.476 of 2017 before the District Munsif Court, Tirunelveli. In respect of the said civil dispute, one Rocket Raja threatened the petitioner over phone. Hence, the petitioner has lodged a complaint. In the circumstances, on 26.02.2018, at about 7.45 a.m., under the instigation of the above said persons, their henchmen trespassed into house of the petitioner with deadly weapons and murdered the petitioner's son-in-law viz., Senthil Kumar. Later, he came to know that they had mistakenly murdered him instead of the petitioner. The petitioner's son-in-law was working as an Assistant Professor in Tamirabarani Engineering College at Tirunelveli. Hence, he lodged a complaint before the Tirunelveli Medical College Police Station and the F.I.R. in Crime No.30 of 2018 was registered under Sections 147, 148, 447, 294(b), 324, 302, 506(2), 120(b) of I.P.C. and Sections 3 and 4A of the Explosive Substances Act, 1908 and Section 3(1)(r), 3(1)(s) and 3(2) (v) of the SC/ST (Prevention of Atrocities) Act, 1989 and the final report



W.P.(MD).No.22531 of 2022

WEB COPY

has been filed and the same is pending in S.C.No.68 of 2018 before the II Additional District Court (PCR), Tirunelveli.

4. In the year 2016, the State of Tamil Nadu enacted a Model Contingency Plan under Rule 15 of the SC/ST Rules, 2016. On 10.05.2018, the petitioner's daughter viz. Anusuya submitted a representation to the second respondent for issuing free house site patta under the said Scheme. The second respondent forwarded the same to the third respondent on 10.05.2018, to take appropriate action. But till date no action has been taken. Hence, the petitioner has filed the present writ petition.

5. The learned Additional Government Pleader appearing for the respondents would submit that on 29.09.2018 in Na.Ka.No.A2/7685/2018, the petitioner's daughter viz., Anusuya, W/o. Late Senthil Kumar, Door No.149, Annai Indra Nagar, Anna Nagar West, Tirunelveli was appointed as Junior Assistant in Dr.Ambedkar Government Adidravidar Welfare Boys Higher Secondary School,



W.P.(MD).No.22531 of 2022

Nallamalpuram and as per the same, she was given an employment on 29.09.2018 itself and it has not been stated in the writ petition and the petitioner still asking for assistance.

6. Regarding the payment of widow pension, the District Collector, Tirunelveli has passed an order in Na.Ka.No.A2/7685/2018, dated 09.01.2021. As per the same, Anusuya, Ashmitha and Karkalamudayal are the legal heirs of the said Senthil Kumar, S/o.Pattamuthu and his wife Anusuya is entitled for Rs.5,000/- and the same was also to be paid from 26.02.2018 to 31.12.2020, which would be deposited into her Bank account. According to the order, Rs.4,37,897/- was sanctioned and it was also deposited into her account.

7. Regarding the granddaughter's education, as per the proceedings of the Chief Educational Officer, Tirunelveli in Na.Ka.No.4185/A4/2018, dated 07.05.2018, a seat was allotted in Francis Xavier (CBSE) School, Vannarapettai, Tirunelveli under 25% free education scheme from LKG and as per the Scheme, she will be entitled to get the seat in the said



W.P.(MD).No.22531 of 2022

School.

WEB COPY

8. The order passed in Na.Ka.No.A2/7685/2018, dated 29.09.2018 has not been utilised by the petitioner and already all the benefits have been given. It is seen that the petitioner has not chosen to avail the benefits under the Scheme and suppressing all these facts, now the petitioner has filed this writ petition, seeking direction to the respondents to provide all the benefits including widow pension, house site patta to the petitioner's daughter and education assistance to his granddaughter, by considering the petitioner's representation, dated 16.12.2020 and 11.08.2022. This Court finds that the petitioner has not utilised the benefits given by the Government and if the petitioner really interested in joining the granddaughter in the CBSC School, he can approach the authority again and the same can be considered by the authority.

9. Regarding the house site Patta, the same can be considered by the concerned authorities. It was submitted that the petitioner has given a representation stating that his son-in-law has been killed and only for the



W.P.(MD).No.22531 of 2022

safety and security, he seeks a place inside Tirunelveli Town. If the Rules and other existing procedure permits, the same can be considered, otherwise the authorities are directed to pass appropriate orders. Accordingly, the Writ Petition is disposed of. No costs.

26.09.2022

Index: Yes/No
Internet: Yes/No

akv

To

1. The District Collector,
State of Tamil Nadu,
Tirunelveli District,
Tirunelveli.
2. The District Adi Dravidar & Tribes Welfare Officer,
Collectorate,
Kokkirakulam,
Tirunelveli.
3. The Special Tahsildar,
Adi Dravidar Welfare,
Tirunelveli.



WEB COPY



W.P.(MD).No.22531 of 2022

V.BHAVANI SUBBAROYAN,J.

akv

W.P.(MD)No.22531 of 2022

26.09.2022