



W.P.No.34402 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.34402 of 2022

and

W.M.P.No.10491 of 2023

K.Nagammal

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Adi-Dravidar and Tribal Welfare,
Secretariat, Chennai – 600 009.
- 2.The Director,
Department of Adi-Dravidar and Tribal Welfare,
Secretariat, Chennai – 600 009.
- 3.The District Collector,
Chennai District,
Chennai – 600 001.
- 4.The Inspector of Police,
T-15 Kannagi Nagar Police Station (Formerly J-11, Police Station)
Kannagi Nagar,
Chennai – 600 097.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to provide the rehabilitation amount and other relief as per the Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 by considering the petitioner representation dated 30.11.2022.

For Petitioner : Mr.R.Muralidharan

For Respondents : Mr.M.Alagu Gowtham
Government Advocate

ORDER

The Writ Petition is filed seeking for a Writ of Mandamus, to direct the respondents 1 to 3 to provide the rehabilitation amount and other relief as per the Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 by considering the petitioner's representation dated 30.11.2022.

2. Though the petitioner filed W.M.P.No.10491 of 2023 seeking to fix an early date for hearing of the present writ petition, she is consented for the disposal of the main writ petition itself.



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3. The case of the petitioner is that his son along with his brother were called upon to clean Sewage treatment Plant Tank of Dindugal Thalapakatti at Okkiyampettai, Thoraipakkam, Chennai – 600 097, without providing proper safety measures, which resulted in asphyxiation, due to which, the petitioner's son and others involved in the said act were died. Thereafter, a case in Crime No.62 of 2016 has been registered by the J-11, Kannagi Nagar Police Station under Sections 288, 336, 304(A) of IPC and Section 8 of Prohibition of employment as Manual Scavengers and their Rehabilitation Act, 2013 and a final report dated 02.12.2016 has also been filed. The petitioner along with the legal heirs have already received a compensation of Rs.10,00,000/- (Rupees Ten Lakhs) as per the guidelines of the Hon'ble Supreme Court in the case of ***Safai Karamchari Andolan and Others Vs. Union of India and Others*** and also received a sum of Rs.1,00,000/- (Rupees One Lakh) from the Chief Minister's Relief Fund. Subsequently, the petitioner's grandson has filed several online representations with the Chief Minister special cell seeking relief as per the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by submitting a representation



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dated 30.11.2022. However, till date, no order has been passed. Hence, the petitioner has filed the above writ petition before this Court for appropriate directions.

4. Though very many grounds have been raised in the present writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the third respondent to consider the petitioner's representation dated 30.11.2022 and pass appropriate orders, within a time frame that may be fixed by this Court.

5. The learned Government Advocate appearing for the respondents has no objection for the said order being passed.

6. In view of the aforesaid submissions, this Court, without going into the merits of the case, directs the third respondent to consider the petitioner's representation dated 30.11.2022 and pass appropriate orders on merits and in accordance, within a period of four (4) weeks from the date of receipt of a copy of this order.



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7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

13.04.2023

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

1.The Secretary,

Department of Adi-Dravidar and Tribal Welfare,
Secretariat, Chennai – 600 009.

2.The Director,

Department of Adi-Dravidar and Tribal Welfare,
Secretariat, Chennai – 600 009.

3.The District Collector,

Chennai District,
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4.The Inspector of Police,

T-15 Kannagi Nagar Police Station (Formerly J-11, Police Station)
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M.DHANDAPANI, J.

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