



W.P.Nos.34279 & 34280 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.34279 & 34280 of 2022

and

W.M.P.Nos.10492 & 10494 of 2023

K.Gandhimathi

... Petitioner in
W.P.No.34279 of 2022

V.Vedachalam

... Petitioner in
W.P.No.34280 of 2022

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)



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Kannagi Nagar,
Chennai – 600 097.

... Respondents in both WPs

Prayer in both WPs: Writ Petitions 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 petitioners' representation dated 30.11.2022.

For Petitioner : Mr.R.Muralidharan
(in both WPs)

For Respondents : Mr.M.Alagu Gowtham
(in both WPs) Government Advocate

ORDER

The Writ Petitions 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 petitioners' representation dated 30.11.2022.



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2. Though the petitioners filed W.M.P.Nos.10492 & 10494 of 2023 seeking to fix an early date for hearing of the present writ petitions, they have consented for the disposal of the main writ petitions itself.

3. The case of the petitioners is that their sons 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 petitioners' sons 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 petitioners along with the other 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



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Minister's Relief Fund. Thereafter, the petitioners made representation dated 30.11.2022 seeking relief as per the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, before the respondents. However, till date, no order has been passed. Hence, the petitioners have filed the above writ petitions before this Court for appropriate directions.

4. Though very many grounds have been raised in the present writ petitions, the learned counsel for the petitioners submits that, it would suffice, if this Court issues a direction to the third respondent to consider the petitioners' 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 petitioners' representation dated 30.11.2022 and pass appropriate orders



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on merits and in accordance, within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are 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,
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