



W.P.No.34519 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34519 of 2019

K.Samuelraj

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Home Department, Fort St. George
Chennai 600 009.
2. Secretary to Government
Adi Dravidar and Tribal Welfare Department
Fort St. George, Chennai 600 009.
3. The District Collector
Coimbatore District, Coimbatore.
4. The Tahsildar
Mettupalayam Taluk
Coimbatore District.
5. The Municipal Commissioner
Mettupalayam Municipality
Coimbatore District.



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6. The Inspector of Police
Mettupalayam Police Station
Coimbatore District.

7. Kutti alias Sivasubramanian .. Respondents

[R4 to R7 impleaded vide order dated
24.01.2020 in W.M.P.No.34519/2019]

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to (i) conduct a detailed investigation against the authorities/officials who were negligent in removing the untouchability wall in spite of bringing to the notice that the basalt stone is weak and there is an imminent danger to the neighbours and take action against those who are negligent within a time frame fixed by this Hon'ble Court and to file a report before this Hon'ble Court, (ii) alter the FIR registered in Crime No.574 of 2019 and include the necessary provisions under the SC/ST Act, (iii) pay adequate compensation to the victims, (iv) convene the State level and District level vigilance and monitoring committee and conduct periodical meeting as provided under the Rules, and (v) to locate and remove all such discrimination walls/untouchability walls found in the State.

For the Petitioner : No appearance

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for Respondents 1 to 4 & 6



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ORDER

(Made by the Hon'ble Chief Justice)

On 15.12.2023, we had passed the following order:

"None appears for the petitioner.

2. A counter-affidavit is filed by the District Collector that the wall in question was merely a compound wall, built to provide safety enclosure in a private land. It is not built across any public place curbing free conveyance, to define it as a discrimination wall. Because of torrential rains, the wall had collapsed. There is no allegation either from the victims' family or from the local public that the house owner showed any discrimination against them. The Government acted immediately, taking all necessary measures and sanctioned Rs.4 lakh to each victim from the State Disaster Relief Fund. Even the Hon'ble Chief Minister of Tamil Nadu visited the spot on 03.12.2019 and sanctioned Rs.6 Lakh to each victim.

3. As none appears for the petitioner, place the matter on 20.12.2023.

4. If on the said date none appears for the petitioner, the matter would be dismissed."



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2. Today also, none appears for the petitioner. The writ petition, as such, is dismissed. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

20.12.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Secretary to Government
Home Department, Fort St. George
Chennai 600 009.
2. Secretary to Government
Adi Dravidar and Tribal Welfare Department
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J

(kpl)

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