



W.P(MD)No.15106 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.10.2023

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**  
and  
THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

**W.P(MD)No.15106 of 2013**  
and  
**M.P(MD)Nos.1 to 6 of 2013**

S.Baskar Mathuram

.. Petitioner

VS

- 1.The Chief Secretary,  
Government of Tamil Nadu,  
Secretariat,  
Chennai – 09.
- 2.The Secretary,  
Home Department,  
Government of Tamil Nadu,  
Secretariat,  
Chennai – 09.
- 3.The Secretary,  
Adi Dravidar Welfare Department,  
Government of Tamil Nadu,  
Secretariat,  
Chennai – 09.
- 4.The National Commission for Scheduled Caste and  
Scheduled Tribe,  
Chairman,  
5<sup>th</sup> Floor, Lok Nayak Bhawan,  
Kharl Market, New Delhi – 110 003.



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- 5.The State Commission for Scheduled Caste and Scheduled Tribe,  
Represented by its the Director,  
2<sup>nd</sup> Floor,  
Block 5, Sasthri Bhavan,  
Chennai – 600 006.
- 6.The District Collector,  
Sivagangai District,  
Sivagangai.
- 7.The Revenue Divisional Officer,  
Sivagangai District,  
Sivagangai.
- 8.The Tahsildar,  
Sivagangai District,  
Sivagangai.
- 9.The Inspector General of Police,  
Southern Zone,  
Madurai.
- 10.The Superintendent of Police,  
Sivagangai District,  
Sivagangai.
- 11.Velladurai
- 12.Amsavalli Thangaraj
- 13.Palaniappan
- 14.Boominathan
- 15.Chandran
- 16.Thangaraj

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus for seeking the following relief based on the petitioners representation dated 26.08.2013 and the



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representations dated 05.09.2013 made by the victimized scheduled caste people of Pappankulam Village, Edaikattur Post, Sivagangai District (i) For directing the respondents Nos.1, 2 and 9 to take departmental action against the respondents Nos.11, 13, 14 and 15 under SC/SCT Act Section 3(1) (v) (x) (xv) Section 3(2) (iv) (v) (vii), Section 4 and 6 (ii) For directing the respondent Nos.1, 2, 6, 9 and 10 to take departmental action against the respondent Nos.12 and 16. (iii) For directing the respondent Nos.1, 2, 3 and 6 to 8 to grant relief of full compensation for damages, loss and harm sustained by the Scheduled Caste people of Pappankulam Village, Edaikattur Post, Sivagangai District (iv) For directing the respondent Nos.1, 2 and 6 to take immediate steps to reconstruct the damaged and demolished houses at the Government cost (v) For directing the respondent No.6 to take appropriate action against the 12<sup>th</sup> respondent under Tamil Nadu Panchayat Acts, 1994 Section 205(A) (vi) For directing the respondent Nos.1 to 6 to take appropriate action in accordance to SC/ST Act Sections 12, 13, 14 and 15 within the time limit that may be stipulated by this Court.

|                        |   |                                             |
|------------------------|---|---------------------------------------------|
| For Petitioner         | : | Mr.M.Pandiyarajan<br>for Mr.M.Rajendran     |
| For RR 1 to 3 & 6 to 8 | : | Mr.M.Senthil Ayyanar<br>Government Advocate |
| For RR 4 & 5           | : | No appearance                               |
| For RR 9 & 10          | : | Mr.S.Ravi<br>Additional Public Prosecutor   |
| For R – 11             | : | No appearance                               |

(For RR 12 to 16 Dismissed for default on 27.01.2023)



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## ORDER

**[Order of the Court was made by M.SUNDAR, J.]**

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Mr.M.Pandiyarajan, learned counsel representing counsel on record for 'writ petitioner' (hereinafter 'PIL petitioner' for convenience), Mr.M.Senthil Ayyanar, learned Government Advocate for respondents 1 to 3 & 6 to 8 and Mr.S.Ravi, learned State Additional Public Prosecutor for respondents 9 & 10 are before us.

2. There is no representation for respondents 4 and 5, though counsel have entered appearance and their names are duly shown in the cause list. As regards private respondents 12 to 16 case file shows that captioned matter has been dismissed for default as against private respondents 12 to 16 on 27.01.2023. There is no representation for 11<sup>th</sup> respondent (private respondent), though a counsel for 11<sup>th</sup> respondent has entered appearance through counsel and name of the counsel is duly shown in the cause list.

3. Be that as it may, as regards the counsel before us, there is no dispute or contestation that the captioned matter is directly covered by an order made in another PIL being order dated 14.10.2015 made in WP(MD)No.14367 of 2013 and M.P(MD)Nos.1 and 2 of 2013 thereat and a scanned reproduction of this 14.10.2015 order is as follows:



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2015

CORAM:

THE HON'BLE MR. JUSTICE **R.SUDHAKAR**  
AND  
THE HON'BLE MS. JUSTICE **V.M.VELUMANI**

W.P.(MD)No.14367 of 2013  
&  
M.P.(MD) Nos.1 and 2 of 2013

A.R.K.Manickam

.. Petitioner

Vs.

1. The State of Tamil Nadu,  
Rep. by the Chief Secretary,  
Fort St. George, Chennai.
2. The Secretary to Government,  
Home Department,  
Fort St. George, Chennai- 600 009.
3. The Secretary to Government,  
Adi Dravidar Welfare Department,  
Fort St. George, Chennai- 600 009.
4. The National Commission for Scheduled Caste,  
and Scheduled Tribes,  
Rep. by its Chairman,  
5<sup>th</sup> Floor, Lao Nayak Bhawan,  
Kharl Market, New Delhi-110 003.
5. The State Commission for Scheduled Caste,  
and Scheduled Tribes,  
Rep. By its Director,  
2<sup>nd</sup> Floor, Block 5, Sasthri Bhavan, Chennai-600 006.



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6. The District Collector,  
Sivagangai District,  
Sivagangai.
7. The Superintendent of Police,  
Sivagangai District,  
Sivagangai.
8. The Revenue Divisional Officer,  
Sivagangai, Sivagangai District.
9. The Tahsildar,  
Sivagangai Taluk,  
Sivagangai District.
10. The Deputy Superintendent of Police,  
Manamadurai,  
Sivagangai District.
11. The Block Development Officer,  
Manamadurai Panchayat Union,  
Sivagangai District.
12. The President,  
Sirukud Panchayat,  
Sivagangai Taluk,  
Sivagangai District.
13. The Sub Inspector of Police,  
SIPCOT Police Station,  
Manamadurai, Sivagangai District.
14. Mr. Velladurai
15. Thangaraj .. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents herein to reconstruct the demolished houses of twenty eight Scheduled Caste



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victims in their patta lands in Pappankulam Village, Sirukudi Panchayat in Sivagangai District as well as to give a sum of Rupees Ten Lakhs to each Scheduled Caste family as relief amount to the atrocities inflicted upon them.

|                        |   |                                                     |
|------------------------|---|-----------------------------------------------------|
| For Petitioner         | : | Mr.L.Shaji Chellan                                  |
| For R1 to R10<br>& R13 | : | Mr.A.K.Gaskarapandian<br>Special Government Pleader |
| For R14                | : | Mr.S.Doraisamy                                      |
| For R12 & R15          | : | Mr.D.John                                           |

**ORDER**

**(Order of the Court was made by V.M.VELUMANI, J.)**

The petitioner, in this public interest litigation, seeks a direction to the respondents herein to reconstruct the demolished houses of twenty eight Scheduled Caste victims in their patta lands in Pappankulam Village, Sirukudi Panchayat in Sivagangai District as well as to give a sum of Rupees Ten Lakhs to each Scheduled Caste family as relief amount to the atrocities inflicted upon them.

2. We have heard the learned counsel appearing for the parties and perused the materials available on record.



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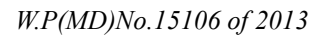
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3. The grievance of the petitioner is that the authorities under the guise of removing encroachments in the Government poramboke land, demolished 28 houses of Scheduled Caste people, which were constructed in their patta land in Pappankulam Village, Sirukudi Panchayat, in Sivagangai District. According to the petitioner, 28 houses of Schedule Caste people were deliberately demolished. In the circumstances, he has come out with the present writ petition.

4. At the time of hearing, the learned Special Government Pleader submitted that the Block Development Officer and the Assistant Executive Engineers of Rural Development Department and R.W.D. Department, Sivagangai along with Welfare Officers in Sivagangai District, inspected the site in question and assessed the damages to the houses, expenses for putting up construction of the houses, renovation of the houses, putting up temporary shed and expenses for supply of food at total cost of Rs.25,95,130/-. Based on these reports, the Government Issued G.O.Ms.No.91, Adi Dravidar and Tribal Welfare Department, Dated 31.10.2013, and thereby, sanctioned the said sum. Paragraph 2 of the said Government Order reads as follows:

"பெ. சமூகத்தினர் வீடுகள் அடிக்கப்பட்ட இடங்களில் வீடுகளைக் கட்டுவதற்குத் தேவையான செலவுகளை அரசு ஏற்றுக் கொள்ளும் என்று தீர்மானம்.

[illegible]

5. In view of the fact that the Government had already sanctioned a sum of Rs.25,95,130/- as per G.O.Ms.No.91, Adi Dravidar and Tribal Welfare Department, dated 31.10.2013, we find that the grievance of the petitioner has been addressed. Accordingly, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

(V.M.V., J.)

14.10.2015

Index : Yes/No  
Internet: Yes/No  
kua/smn2

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1. The Chief Secretary to Government of Tamil Nadu,  
Fort St. George, Chennai.
2. The Secretary to Government,  
Home Department,  
Fort St. George,



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- Chennai- 600 009.
3. The Secretary to Government,  
Adi Dravidar Welfare Department,  
Fort St. George, Chennai- 600 009.
  4. The Chairman,  
National Commission for Scheduled Caste,  
and Scheduled Tribes,  
5<sup>th</sup> Floor, Leo Nayak Bhawan,  
Kharl Market, New Delhi-110 003.
  5. The Director,  
State Commission for Scheduled Caste,  
and Scheduled Tribes,  
2<sup>nd</sup> Floor, Block 5, Sasthri Bhavan,  
Chennai-600 006.
  6. The District Collector,  
Sivagangai District,  
Sivagangai.
  7. The Superintendent of Police,  
Sivagangai District,  
Sivagangai.
  8. The Revenue Divisional Officer,  
Sivagangai, Sivagangai District.
  9. The Tehsildar,  
Sivagangai Taluk,  
Sivagangai District.
  10. The Deputy Superintendent of Police,  
Manamadurai,  
Sivagangai District.
  11. The Block Development Officer,  
Manamadurai Panchayat Union,  
Sivagangai District.
  12. The President,  
Sirukudi Panchayat,



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Sivagangai Taluk, Sivagangai District.

13. The Sub Inspector of Police,  
STPCOT Police Station,  
Manamadurai, Sivagangai District.



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**R.SUDHAKAR,J.  
AND  
V.M.VELUMANI,J.**

*ksa/smnJ*

**W.P.(MD)No.14367 of 2013  
& M.P.(MD) Nos.1 and 2 of 2013**

**14.10.2015**



*W.P(MD)No.15106 of 2013*

4.The concluding paragraph i.e., paragraph No.5 of the  
aforementioned Manickam's case order shows that the grievance of PIL  
petitioner has been addressed and redressed. Learned counsel representing  
counsel on record for petitioner also submits that the position is same qua the  
captioned PIL petitioner also.

5.In the light of narrative thus far, captioned Writ Petition is  
disposed of as closed recording the stated position of the parties.  
Consequently captioned M.P(MD)Nos.1 to 6 of 2013 are also disposed of as  
closed. There shall be no order as to costs.

**(M.S.,J.) (R.S.V.,J.)**  
**04.10.2023**

Index : Yes/No  
Neutral Citation : Yes/No  
ps



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To

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Government of Tamil Nadu,  
Secretariat,  
Chennai – 09.
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Home Department,  
Government of Tamil Nadu,  
Secretariat,  
Chennai – 09.
3. The Secretary,  
Adi Dravidar Welfare Department,  
Government of Tamil Nadu,  
Secretariat,  
Chennai – 09.
4. The National Commission for Scheduled Caste and  
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5<sup>th</sup> Floor, Lok Nayak Bhawan,  
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8.The Tahsildar,  
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Sivagangai.



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**M.SUNDAR, J.,**  
**and**  
**R.SAKTHIVEL, J.,**

ps

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**04.10.2023**