



WEB COPY

Writ Petition (MD)No.17866 of 2020



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Writ Petition (MD)No.17866 of 2020

Periyakaruppan

... Petitioner

Vs.

- 1.The District Collector,
O/o. the District Collector,
Madurai.
- 2.The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai.
- 3.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Melur, Madurai District.
- 4.The Inspector of Police,
Melavalavu Police Station,
Melur,
Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to visit the place of atrocity and file a status report as per Sections 6(1) & (2) of SC/ST (Prevention of Atrocities) Rules, 1995, by taking into account the petitioner's complaint dated 27.10.2020.

For Petitioner : Mr.A.Rajini
For Respondents 1 to 4 : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

The petitioner has filed this writ petition to direct the first respondent to visit the place of atrocity (Prevention of Atrocities) Rules, 1995, by taking into account the petitioner's complaint dated 27.10.2020.

2. According to the petitioner, the petitioner has given a representation dated 27.10.2020 alleging that he belongs to scheduled caste community and he has 6 acres of land. The accused Aandisamy, Selvi, Rajapandi, Mani belong to Hindu community and they used to abuse the petitioner in caste name and caused criminal intimidation. Prior to the date of occurrence, the accused have stolen the petitioner's goat and also assaulted on his face and thereby, his teeth was damaged. On 17.10.2020, all the accused came before the house of the defacto complainant and stated that they would set fire on his house. On 20.10.2020, Rajapandi and Mani came by two wheeler and set fire on the hut of the petitioner and thereby, the petitioner's ration card and Aadhar card and other documents were burnt. Immediately, he along with his son in law Arumugam gave a complaint before the Melavalavu police station but the Sub Inspector of Police refused to receive the complaint and thereafter, a case in Crime No.1186 of 2020 under Sections 436 of IPC alone was registered. Due to the threats of the respondents, the petitioner



left from the locality and now they are staying in the relative's house. Till now the above said representation has not considered by the police.

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3.The learned counsel appearing for the petitioner would contend that the petitioner sent a representation before the respondent dated 27.10.2020 and the same has not considered. As per Section 226 of Constitution of the India, this Court has enormous power to direct the respondents to file a status report.

4.The learned counsel appearing for the respondents would contend that already representation of the petitioner was considered and the same was disposed of on 05.12.2020 by stating that the above case is closed as 'mistake of fact' and also filed a report before the learned Judicial Magistrate to that effect. Intimation was given to the defacto complainant.

5.This Court head both sides and perused the materials available on records.

6.On perusal of the records, it is observed that this petitioner has filed this petition to direct the respondents to visit the place of occurrence and



file a status report as per Section 6(1) and (2) of Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Rules, 1995 and he has also given a representation dated 27.10.2020.

7.On perusal of the said representation, it is observed that the respondents abused him with caste name and set fire on the hut of the petitioner and thereafter, gave complaint before the police station and the Sub Inspector of Police refused to receive the complaint and forced to re-write the complaint as if hut was burnt and then registered FIR in Crime No. 1186 of 2020 under Section 436 of IPC. There is no specific averments with regard to spot inspection. However, in the writ petition, the main prayer is with regard to spot inspection by the first respondent. The prayer in the representation is to take action as against the persons who set fire on the hut and to give protection to go to village.

8.The learned counsel appearing for the petitioner argued that the word 'take action' as per Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, includes the spot inspection, thereby the representation dated 27.10.2020 has to be considered by all the official respondents.



9.The petitioner without approaching the officials through proper petition, this petitioner has straight away approached this Court without making any specific request before concerned authorities. According to the respondents 1 to 4 have thoroughly investigated the case and thereafter, closed the same as 'mistake of fact'. Since the representation of the petitioner dated 27.10.2020 was considered by the respondents, there is no scope to allow this petition. However, if the petitioner is aggrieved by the closure of FIR, he can approach trial Court by filing appropriate petition, in accordance with law.

10.With the above observation, this Writ Petition is disposed of. No Costs.

18.07.2023

NCC : Yes/No
Index: Yes/No
Internet: Yes/No
Mrn



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P.DHANABAL,J.

Mrn

To

- 1.The District Collector,
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Madurai.
- 2.The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai.
- 3.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Melur, Madurai District.
- 4.The Inspector of Police,
Melavalavu Police Station,
Melur,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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