



W.P.(MD)No. 16773 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No. 16773 of 2023

and

W.M.P(MD)No.14000 of 2023

Sivan

... Petitioner

Vs.

1.The District Collector cum District Magistrate
District Collector Office,
Tirunelveli District.

2.The Assistant Superintendent of Police,
Sub Division, Nanguneri,
Tirunelveli District.

3.The Inspector of Police,
Munneerpallam police station,
Tirunelveli District.
(Crime No.265 of 2017).

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of Indian, for issuance of Writ of Mandamus, directing the 1st respondent to appoint advocate Mr. S. Suresh Kumar, as Special Public Prosecutor to conduct the Trial in SC No.167 of 2018 on the file of the learned Additional District Court No.II for PCR Act Cases, Tirunelveli by



W.P.(MD)No. 16773 of 2023

considering the petitioners representation dated 15.06.2023 in the light of the Rules 4(5) (6) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

ORDER

This Writ Petition is filed seeking for a direction to the first respondent District Collector to permit to engage the service of Mr.S.Suresh Kumar, advocate to prosecute in S.C.No.167 of 2018 on the file of the learned Additional District Court No.II for PCR Act Cases, Tirunelveli under Rules 4(5) (6) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016.

2. When the matter was listed for admission, this Court has directed the learned Government Advocate (Crl.side) to verify and inform this Court as to whether the application filed by the petitioner before the learned District Collector dated 15.06.2023 requesting him to



W.P.(MD)No. 16773 of 2023

the service of Mr.S.Suresh Kumar, Advocate, to prosecute S.C.No.167 of 2018 is still pending or disposed of. The learned Government Advocate (Crl. side) after getting instructions has reported that the application dated 15.06.2023, filed by the petitioner, is still pending with the District Collector.

3. Considering the circumstances, since Rules 4(5) (6) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016, permits the District Collector to engage the service of a Special Public Prosecutor to prosecute cases under SC/ST Prevention of Atrocities Act, the District Collector is hereby directed to dispose of the representation dated 15.06.2023 and to consider, if Mr.S.Suresh Kumar or any other senior counsel can be appointed, to prosecute S.C.No.167 of 2018.

4. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

20.07.2023



W.P.(MD)No. 16773 of 2023

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

pnn

DR.D.NAGARJUN, J.

pnn

To

- 1.The District Collector cum District Magistrate
District Collector Office, Tirunelveli District.
- 2.The Assistant Superintendent of Police,
Sub Division, Nanguneri, Tirunelveli District.
- 3.The Inspector of Police, Munneerpallam police station,
Tirunelveli District. (Crime No.265 of 2017).
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in

W.P.(MD)No. 16773 of 2023



WEB COPY



W.P.(MD)No. 16773 of 2023

Dated: 20.07.2023