



W.P No.15464 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

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R.Maghi

.... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Chief Secretariat, Fort St.George,
Chennai – 600 009.

2. The Director,
Directorate of Adi Dravidar Welfare,
Chepauk, Chennai – 600 005.

3. The District Collector,
District Collectorate,
Vellore – 632 009.

4. The District Adi Dravidar &
Tribal Welfare Officer,
District Collectorate,
Vellore – 632 009.

.... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the respondents to grant the relief



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amount as per the scale fixed in the norms for relief amount under Sl.No.45 of Annexure I of the Schedule read with rule 12(4) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 read with G.O.No.4 dated 02.02.2022 issued by the first respondent, to the sum of Rs.4,70,000/- to the petitioner's family, after deducting the part paid relief amount of Rs.1,30,000/- in the 50% relief amount i.e. Rs.6,00,000/- as fixed at the stage of after post-mortem, for the petitioner's son's death on 17.04.2022 on a SC/ST atrocity, based on the petitioner's representation dated 12.05.2022.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the respondents to grant relief amount as per Rule 12(4) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner and her husband belong to a Scheduled Caste.



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They had four sons. While being so, the petitioner's son was brutally attacked by one Sub Inspector of Police of Melpadi Police Station, viz., Karthick, who belongs to Backward community, for insisting to commit sand theft, while the petitioner's son refused to do so. Thereafter, the petitioner's younger son fell in love with one girl, who belongs to Most Backward Community and as such, a false case was foisted as against the petitioner's two sons. Due to the said caste minded motive, on 11.04.2022, the petitioner's son viz., R.Sarathkumar, was riding his motorcycle, along with a nephew, the Sub-Inspector of Police intercepted them. Thereafter, he abused the petitioner's son in his caste name and also beaten him. Therefore, the petitioner's son got humiliated and driven to take extreme decision of committing suicide by setting fire on his own by pouring fuel in front of the Melpadi Police Station. Immediately, he was admitted into the Government Vellore Medical College and Hospital and he succumbed to injuries on 17.04.2022. Before his death, his dying declaration was recorded by the Judicial Magistrate No.IV, Vellore on 12.04.2022. He categorically narrated the entire facts and the reason for committing suicide.

4. Initially, an FIR has been registered in Crime No.74 of 2022



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for the offence under Section 309 of IPC. After recording the dying declaration, FIR has been altered into Sections 294(b), 323 of IPC read with 3(1) (r) (s), 3(2) v(a) of SC & ST Act. Thereafter, the investigation has been transferred to the Deputy Superintendent of Police, Katpadi. After his death, the FIR has been altered into one for the offences under Sections 294(b), 323, 306 of IPC read with 3(2) v (va) of SC & ST Act. Thereafter, the petitioner's family were paid a sum of Rs.1,30,000/- as relief under the SC & ST Act and Rules.

5. As per Rule 12(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, the total relief amount is Rs.8,25,000/- and the State Government fixed a sum of Rs.3,75,000/- as ex-gratia amount. However, the petitioner's family were not even paid 50% of the total amount, i.e. Rs.6,00,000/-. Therefore, the petitioner submitted a representation. Since the said representation was not considered, the present writ petition has been filed.

6. A perusal of the counter filed by the fourth respondent



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reveals that after registration of the FIR, the petitioner's family were paid a sum of Rs.1,30,000/- as relief as per the Rules. After completion of investigation, FIR has been closed as “dropped further action” and submitted a closure report before the Sessions Judge, Special Court for Trial of cases under SC/ST (PoA) Act, Vellore. Aggrieved by the same, the petitioner filed a protest petition and after conducting a detailed enquiry, the Trial Court had taken cognizance in Spl.S.C.No.25 of 2023 for the offences under Section 294(b), 323, 306 of IPC read with 3(1) (r) (s), 3(2) (va) of SC/ST Act and issued summons to the accused viz., Karthick. Therefore, the petitioner is entitled for compensation as provided under Rule 12(4) of the SC/ST (PoA) Rules.

7. The learned counsel appearing for the petitioner also relied upon the G.O.No.4, dated 02.02.2022 issued by the first respondent which reveals that in case of murder or death, the victim is entitled for the relief of Rs.8,25,000/-, in which 50% to be paid after post mortem report and 50% to be paid when the charge sheet is sent to the Court. Further, the Government ordered to pay a sum of Rs.3,75,000/- as ex-gratia amount to the victim.



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Now the Trial Court had taken cognizance in Spl.S.C.No.25 of 2023 and also issued summons to the accused. Therefore, the petitioner is entitled for the relief under Rule 12(4) of the SC/ST Act and G.O.No.4, dated 02.02.2022.

8. In view of the above, the respondents are directed to pay the balance amount of Rs.10,70,000/- to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition stands allowed.

No costs.

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Index:Yes/No
Internet : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

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1. The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Chief Secretariat, Fort St.George,
Chennai – 600 009.

2. The Director,
Directorate of Adi Dravidar Welfare,
Chepauk, Chennai – 600 005.

3. The District Collector,
District Collectorate,
Vellore – 632 009.

4. The District Adi Dravidar &
Tribal Welfare Officer,
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G.K.ILANTHIRAIYAN, J.

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