



WP(MD) No.8035 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 30.01.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

W.P.(MD) No.8035 of 2022

R. Usai Kumar

... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by the Home Secretary,
Secretariat, Fort St.George,
Chennai.
2. The District Collector/District Magistrate,
Collectorate, Tirunelveli.
3. The Superintendent of Police,
O/o. Superintendent of Police,
Tirunelveli District, Tirunelveli.
4. The Deputy Superintendent of Police,
O/o. Superintendent of Police,
Palayamkottai, Tirunelveli.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration to declare the areas in Munneerpallam Village Palaymkottai Taluk, Tirunelveli District where there are frequently offences under Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act 2015 are committed as atrocity



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prone area consequently directing the respondents 1 and 2 and take necessary action to keep peace and tranquility in Tirunelveli District by arresting the offenders and file a Final Report and ensure the trial is completed detaining the inside the prison.

For Petitioner : M/s. Seenì Syed Amma
for M/s.Lajapathi Roy Associates
For Respondents : M/s. B. Nambiselvan
Additional Public Prosecutor

ORDER

This writ petition has been filed for a direction to the to declare the areas in Munneerpallam Village, Palaymkottai Taluk, Tirunelveli District, where there are frequently offences under Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act 2015 (in short 'the Act' for brevity) are committed as atrocity prone area and for a consequential direction to the respondents 1 and 2 to take necessary action to keep peace and tranquility in Tirunelveli District by arresting the offenders and file a final report and ensure the trial is completed detaining the inside the prison.

2. It is the case of the petitioner that the petitioner belongs to Scheduled Caste Community and hails from Munneerpallam village. While so, on 25.02.2019, the petitioner's son was done to death by the



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accused persons, pursuant to which a case has been registered in Crime No.13/2019. It is his further case that in the same village, the act of attacking the Scheduled Caste people are continuing and incidents like attack and murder were taken place in the year 2021, pursuant to which, cases were registered and protest were taken place. However, it is seen that no action whatsoever was taken by the respondent police, rather, cases have been registered against innocent people for protesting. Hence, a representation was preferred by the petitioner to declare the said village as atrocity prone area. However, since the same was not considered so far, the petitioner is before this court with this petition.

3. The learned counsel for the petitioner would submit that as per Section 17 of the Act, if a District Magistrate/Sub Divisional Magistrate/ Police Officer may, on receiving information, on enquiry and if there are grounds for declaring an area as atrocity prone area, declare the said area as atrocity prone area and may take action against the offenders and hence, a representation to that effect was given by the petitioner and since the same was not considered, the learned counsel for the petitioner prays this Court that a direction may be issued to the respondents to



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consider the representation of the petitioner.

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4. In view of the limited request made by the petitioner, the second respondent is directed to consider the petitioner's representation dated 19.04.2022 and pass orders on merits and in accordance with law. The petitioner is directed to annexe a copy of the representation along with a copy of this order to the 2nd respondent in order to enable the 2nd respondent to pass orders. The said exercise shall be completed by the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order.

This writ petition is disposed of with the above direction.

30.01.2024

NCC : Yes/No
Index : Yes/No

RR



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TO

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M.DHANDAPANI. J

RR

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