



W.P(MD) No.2336 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

W.P(MD) No.2336 of 2023

K.Kathir Kannan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by the Principal Secretary,
Home Prohibition and Excise Department,
St.George Fort,
Chennai-09.
- 2.The State of Tamil Nadu,
Rep. by the Secretary,
Revenue and Disaster Management Department,
St.George Fort,
Chennai-09.
- 3.The Registrar (Law),
State Human Rights Commission,
Thiruvarangam,
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road),
Chennai-600 028.



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4.The Director General of Police,
O/o.The Director General of Polcie,
No.1, Dr.Radhkrishnan Salai,
Mylapore,
Chennai-600004.

5.The District Collector,
Collectorate,
Sivagangai District.

6.The Superintendent of Police,
O/o.the Superintendent of Police,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 & 2 to implement the order in SHRC Case No.10373 of 2020, dated 21.07.2021 and to provide compensation of Rs.5,00,000/- to the petitioner / victim and scrupulously follow the recommendation as mentioned in para No.28 of the order issued by the State Human Rights Commission, Tamil Nadu within a time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.A.Baskaran
Additional Government Pleader
for R1, R2 & R5
: Mr.Gnanasekaran
Government Advocate
for R4 & R6
: Mr.R.Karunanidhi
for R3



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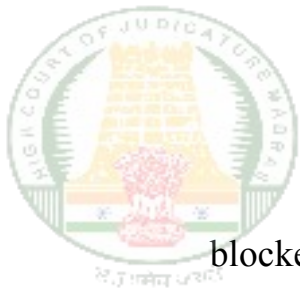
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ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioner belongs to SC Arunthathiyar community. His wife Naga Lakshmi passed away on 05.12.2020. The petitioner is a resident of Melayur Village in Ilayankudi Taluk in Sivagangai District. The body of the deceased was taken in a funeral procession to the burial ground. The funeral procession could not go through the usual pathway on account of water logging. They therefore chose to go through the public road. This was prevented by the persons belonging to Maravar and Yathavar community. As a result, scuffle break out between the two groups. That lead to intervention by the jurisdictional police. The jurisdictional police in order to defuse situation created an alternate pathway, so that, funeral procession can proceed through the same. This fact is established by the report submitted by the IG of Police, South Zone, Madurai. Since for several hours, the funeral procession was



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blocked from using the public road, the news was covered in the media.

The State Human Rights Commission took *suo motu* cognizance of the same. Vide order dated 21.7.2021, the following directions were issued.

“28. In the result, this Commission recommends as follows:-

(i) The Government of Tamil Nadu (Home, Prohibition and Excise Department) shall pay a compensation of Rs. 5,00,000/- (Rupees Five Lakhs only) to the victim / husband of the deceased Thiru.Kannan, Melayur Village, Ilayangudi Taluk, Sivagangai District within one month from the date of receipt of a copy of this recommendation for the violation of human rights committed by the respondents against the deceased Nagalakshmi.

(ii) This Commission also recommends the Government of Tamil Nadu to ensure that in all situations, especially during conflict between communities, classes, castes and political groups, the conduct of the police is always governed by the principles of impartiality & human rights norms, with special attention to protection of weaker section including minorities.

(iii) This Commission also recommends the Government of Tamil Nadu to ensure that samathuva burial ground (common burial ground) should be established in all over the State.

(iv) This Commission also recommends the Government of Tamil Nadu to take suitable departmental action and criminal action against the erring police officials and revenue authorities in preventing the atrocities against the SC/ST people.

(v) This Commission also recommends the Government of Tamil Nadu to ensure that imparting regular and effective training



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to the Police Officers, Special Public Prosecutors and the concerned District Administration Officers in regard to the implementation of the Protection of Civil Rights Act, 1955 and Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.”

Since compensation had not been paid till date, this writ petition has been filed.

3. When the matter was taken up for hearing, the learned Additional Government Pleader pointed out that the order dated 21.07.2022 passed by the State Human Rights Commission in S.H.R.C.No.10373 of 2020 had been stayed by the Principal Seat in W.M.P.No.5190 of 2023 in W.P.No.5187 of 2023 (Rohithnathan Rajagopal Vs. The Registrar, State Human Rights Commission). It is also submitted that the other officials also filed the writ petitions and interim order had been granted therein.

4. We posed a specific question to the learned Additional Government Pleader as to whether the Government had filed any writ petition challenging the order passed by the State Human Rights



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Commission. It is admitted that the Government has not filed any writ petition assailing the order passed by the State Human Rights Commission. It is also seen that when the Government has not obtained any interim order, we are of the view that the Government cannot take advantage of the interim order granted by the Principal Seat. The learned Additional Government Pleader would further point out that when the interim order itself has been stayed, the writ of mandamus to enforce the order may not be arise at all. There is considerable force in this technical submission. We would, therefore, ignore the order passed by the State Human Rights Commission. We would independently see whether any case for compensation has been made out.

5. From the materials on record, it is admitted that the writ petitioner in particular and the members belonging to the scheduled caste were obstructed from using the common pathway on the fateful day. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the Rules framed thereunder provide for compensation of Rs.4,00,000/- in such cases. It is admitted that PCR case has been registered against the persons who obstructed the petitioner and that the case is pending at the trial stage.



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6. The Act states that 25% must be paid after the FIR is registered, 50% must be paid when the charge sheet is filed in the Court and 25% must be paid when the accused are convicted by the trial Court. The accused are yet to be convicted. Therefore, the petitioner has made out a case for disbursement of 75% of the compensation amount.

7. We direct the Government to pay a sum of Rs.3,18,750/- to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. We further issue a continuing mandamus to ensure that when a scheduled caste member is entitled to take procession through public road and if they are obstructed, the police will ensure that the right of the scheduled caste community is upheld and they will not resort to the easy way of pointing out an alternative pathway. The question of making this payment may arise only if the petitioner has not received the amount from the Government.



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8. The Writ Petition is allowed on these terms. No costs.

(G.R.S., J.) (R.K.M., J.)
05.02.2026

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

- 1.The Principal Secretary,
Home Prohibition and Excise Department,
St.George Fort,
Chennai-09.
- 2.The Secretary,
Revenue and Disaster Management Department,
St.George Fort,
Chennai-09.
- 3.The Director General of Police,
O/o.The Director General of Polcie,
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5.The Superintendent of Police,
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