

W.P.(MD)No.23973 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.04.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.23973 of 2023

K.Santosh

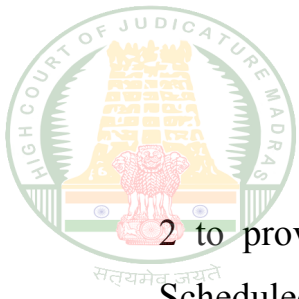
.. Petitioner

- Vs. -

- 1.The District Collector,
Office of the District Collector,
Tirunelveli,
Tirunelveli District.
- 2.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office Campus,
Tirunelveli,
Tirunelveli District.
- 3.The Deputy Superintendent of Police- Crime
Branch (CID),
Office of the Deputy Superintendent of Police (CBCID),
No.26 D, C Colony
Perumalpuram,
Tirunelveli-627 007
- 4.The Inspector of Police,
Crime Branch (CID), South,
CBCID, South,
Tirunelveli District.
(Crime No.4 of 2023)

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and



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2 to provide relief amount and protection as per the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 based on the representations dated 05.04.2023, 14.04.2023 and 22.09.2023 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.Henri Patrick Tiphange

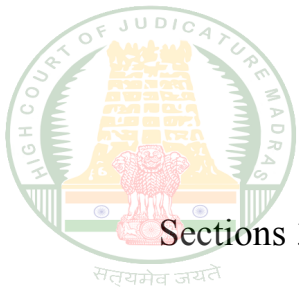
For Respondents : Mr.M.Ajmalkhan
Additional Advocate General
assisted by Mr.N.Ramesh Arumugam
Government Advocate for R1 & R2

Mr.K.Gnanasekaran
Government Advocate (Crl. side) for R3 & R4

ORDER

The Writ Petition is filed for a Mandamus, directing the respondents 1 and 2 to provide relief amount as per the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016, based on the representations of the petitioner dated 05.04.2023, 14.04.2023 and 22.09.2023, within the time stipulated by this Court.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, it can be seen that alleging custodial torture against police personnel, a case in Crime No.4 of 2023 for the alleged offences under



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Sections 323, 324, 326 and 506(i) of IPC, Sections 3(1)(e), 3(2)(v) and 3(2)(va)

of SC/ST (POA) Act and Section 75 of JJ Act, was registered. The petitioner is one of the persons who suffered custodial torture. It is also stated that the case is still pending, and as per the rules, immediately upon registration of the First Information Report, 25% of the compensation ought to have been paid and the same is not paid. Upon filing of the charge sheet, a further amount has to be paid. Eventhough the occurrence was of the year 2023, till date, no compensation is paid and therefore, the petitioner is before this Court.

3. When the writ petition came up for hearing, the learned Additional Advocate General appearing on behalf of the respondents 1 and 2 would submit that it is true that an order was passed by the Adi Dravidar Welfare Officer, denying not recommending the payment of compensation. However, it must also be seen that at the time of filing of the final report, considering three out of four accused, belonged to scheduled castes and scheduled tribes, the offences under the provisions of SC/ST (POA) Act have been dropped and the matter is pending before the learned Judicial Magistrate No.1, Tirunelveli in C.C.No.2419 of 2023. In the light of the fact that one of the accused does not belong to the scheduled castes and schedule tribes, it is for the Court to decide upon the same.

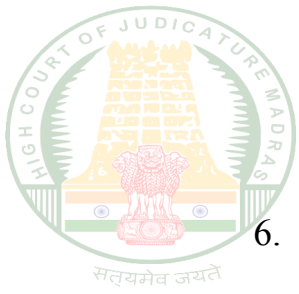


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4. I have considered the rival submissions made on either side and perused the material records of the case.

5. As per Rule 12(4) r/w Annexure-I of the schedule, it must be seen that immediately upon registration of the First Information Report, 25% of the compensation amount had to be paid to the petitioner. The same was not paid. Even if three of the accused belong to the scheduled castes and scheduled tribes, it is stated that atleast one of the accused does not belong to the scheduled castes and scheduled tribes, and the matter is pending before the criminal Court. In that view of the matter, I am of the view that, considering the fact that the matter is being opposed by the defacto complainant before the learned Judicial Magistrate No.1, Tirunelveli, considering the purpose behind which the scheme was framed, directing payment of immediate compensation upon registering of the First Information Report, the same cannot be postponed. Even assuming that the offence is dropped, still in this case, the perpetrators were from the police personnel and therefore, in any event, the liability of the State to pay compensation will arise depending on the truth or otherwise of the allegations therein.



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6. In view thereof, this Writ Petition is disposed of on the following terms:

(i) The respondents 1 and 2 shall release 25% of the eligible amount of compensation in view of the First Information Report registered in Crime No.4 of 2023, which include the offences under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1969, within a period of four weeks from the date of receipt of a web copy of the order;

(ii) The further disbursement of the compensation will depend upon the ultimate orders that are passed by the learned Judicial Magistrate No.1, Tirunelveli;

(iii) It will be open for the petitioner to seek the remedy again with reference to non payment of further compensation, if any.

No costs.

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NCC : Yes
sjj



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D.BHARATHA CHAKRAVARTHY, J.

sj1

To

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Office of the District Collector,
Tirunelveli,
Tirunelveli District.
- 2.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office Campus,
Tirunelveli,
Tirunelveli District.
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Branch (CID),
Office of the Deputy Superintendent of Police (CBCID),
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