

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Twenty First day of December Two Thousand and Twenty

PRESENT

The Hon'ble Mr. Justice N.KIRUBAKARAN
and

The Hon'ble Mr. Justice B.PUGALENDHI

SUO MOTU WP (MD) No.19594 of 2020

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

... PETITIONER

Vs

1 THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT,
GOVERNMENT OF TAMIL NADU
FORT ST.GEORGE,
SECRETARIAT, CHENNAI-600 009.

2 THE SECRETARY TO GOVERNMENT,
ADI DRAVIDAR AND TRIBAL WELFARE DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-600 009.

3 THE SECRETARY TO GOVERNMENT
MUNICIPAL ADMINISTRATION DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-600 009.

4 THE DISTRICT COLLECTOR,
MADURAI DISTRICT.

5 THE TAHSILDAR,
MELUR TALUK, MADURAI DISTRICT.

6 THE COMMISSIONER,
MELUR MUNICIPALITY,
MELUR, MADURAI DISTRICT.

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Mandamus, directing the respondent to provide pathway/road having access to burial ground from the villages where Adi Dravidar people are residing in the Melur Taluk so as to enable them to take the deadbodies to the burial ground peacefully within the time stipulated by this Honourable court.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.M.MUTHUGEETHAIYAN, Special Government Pleader on behalf of the Respondents, the court made the following order:-

(Order of the Court was made by N.KIRUBAKARAN,J.)

We have to hang our head in shame for having ill-treated and discriminated the Scheduled Caste people for centuries together. Since they were not properly treated and offences committed against members of Scheduled Castes and Schedule Tribes and rehabilitating the victims, the Central Government passed 'The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989', to give dignity to prevent the crimes against members of Scheduled Castes and Schedule Tribes. The said Act is also sometimes, is allegedly being misused by some people, especially, those who are employed in Government. However, there are aberrations only. Even today, they are not getting properly treated and offences are continuing and they are not getting appropriate basic amenities.

2. One such incident is the case on hand. Lack of road to graveyard forced Scheduled Caste people to pass through agriculture fields with standing crops in Maruthur Colony, Melur Taluk, which has been published at page No.4 of the Dinakaran Newspaper today's issue (21.12.2020). Since there is no road facility available to these people, they are compelled to carry the dead body through the fields with standing crops and put them to unnecessary trouble and untold hardships. Not only living persons, but also dead bodies should be given dignity. The Schedule Caste people should have roads to graveyards. This news report only reflects that there are no proper pathways/roads to the graveyards. Therefore, this Court thinks it fit to take the above issue reported in the newspaper as a *Suo Motu* Public Interest Litigation by making the following officials as respondents:

- “(i) The Additional Chief Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009;
- (ii) The Additional Chief Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai-600 009.
- (iii) The Additional Chief Secretary to Government,
State of Tamil Nadu,
Municipal Administration & Water Supply Department,
Secretariat, Chennai-600 009.”

3.Mr.M.Muthugeethaiyan, learned Special Government Pleader takes notice for the respondents.

4. The respondents are directed to file a report with regard to the following queries:

- (a) How many Scheduled Caste Habitations are located in the State of Tamil Nadu?
- (b) Whether all the Scheduled Caste Habitations have got drinking water facilities, street lights and toilet facilities as well as roads to the graveyards?
- (c) How many Habitations do not have roads to graveyards?
- (d) What are all the steps taken, including the acquiring of lands for laying of roads for graveyards?
- (e) By what time, all the Schedule Castes Habitations would be provided with water facilities, street lights toilet facilities as well as pathways to the graveyards?

5. Mr.M.Muthugeethaiyan, learned Special Government Pleader appearing for the respondents undertakes to file response by **20.01.2021**. As far as Maruthur Colony is concerned, the learned Special Government Pleader shall get instructions on **23.12.2020**.

6. Call on **23.12.2020**

sd/-
21/12/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

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GOVERNMENT OF TAMIL NADU
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GOVERNMENT OF TAMIL NADU,
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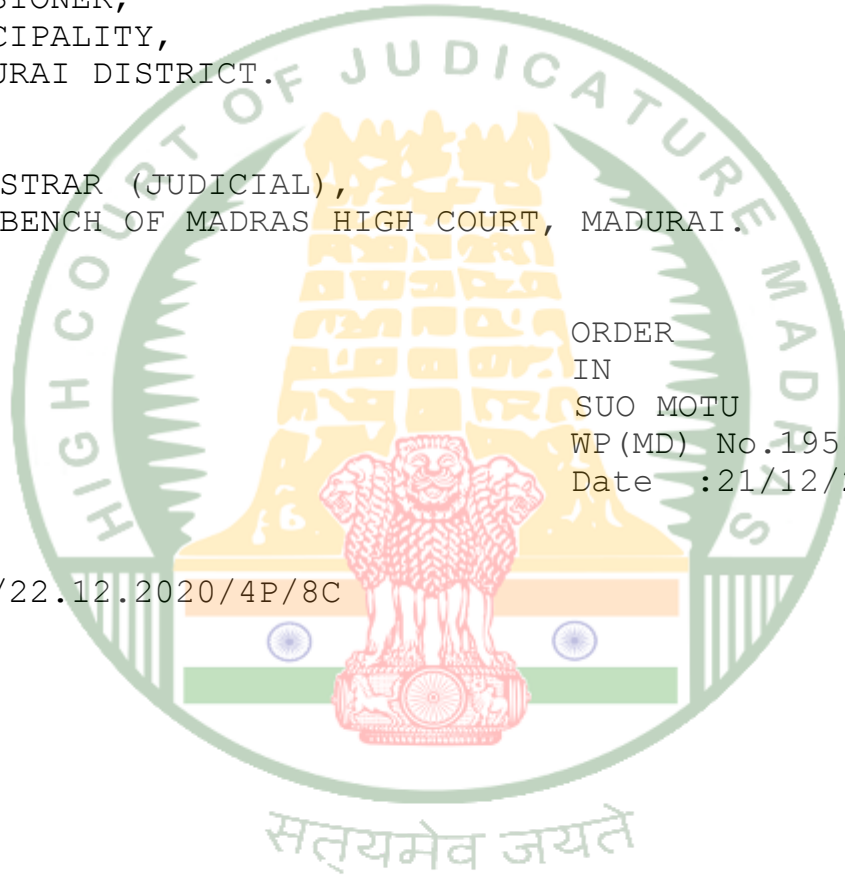
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MELUR, MADURAI DISTRICT.

COPY TO:

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



SSL
JM/PN/SAR II/22.12.2020/4P/8C

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