

THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY

WRIT PETITION No.10283 of 2023

ORDER:-

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief;

“....to issue a Writ, order or a direction, more particularly one in the nature of Writ of Mandamus declaring the action of Respondents in (i) not conducting investigation and not filing final report in FIR No 141/2022 of Jami police station, Vizianagaram District (ii) not including the relevant provision of offence under The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,1989 (iii) not paying relevant compensation to the petitioner as per Annexure-I under Rule 12(4) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995 as illegal, highhanded, arbitrary against Law, unjust and principles of natural justice and consequently (i) direct the respondents to conclude the investigation and file final report in FIR No 141/2022 of Jami Police station, Vizianagaram District forthwith (ii) disburse compensation to the petitioner as per Annexure-I under Rule 12(4) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Rules) 1995 and pass...”

2. Heard both sides and perused the record.
3. Grievance of the petitioner is that though the case has been registered in the year 2022, the police have not filed any charge sheet to that extent.
4. A counter affidavit, deposed by 5th respondent, is filed, stating inter alia that no *prima facie* case is established so

far against suspected person and the investigation in the said case is continuing to identify whether it is a case of litting fire to the hut or it was caused accidentally. It is further stated that the respondent/police have conducted investigation in fair and proper way and that the respondent/police will take action in accordance with law. It is also stated that in any case, if *prima facie* case is proved as against any of them, they will also take steps to alter the Section of law under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989 and finalize the investigation as early as possible as there are no clues with regard to arson.

5. In view of the averments made in the counter filed by 5th respondent, this Court is satisfied with the investigation done by the police and placing the said averments on record, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any pending, in the Writ Petition, shall stand closed.

JUSTICE K. SREENIVASA REDDY

Dated: 20.6.2023
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Date:20.6.2023
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