

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.1808 of 2023

ORDER:

The petitioners, who are members of the Scheduled Caste community, has filed a complaint before the Orvakal Police Station under Sections 506 & 109 r/w. Section 34 of Indian Penal Code and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 [for the short “ the SC & ST Act, 1989”]. This complaint was registered as Crime No.99 of 2021 and the same had been investigated and the charge-sheet has also been filed before the Special Judge for Trial of Cases under the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act-cum-VI Additional District Sessions Judge, Kurnool.

2. The petitioners had also filed representations dated 14.09.2021, 29.12.2022 & 04.01.2023 for payment of compensation, in accordance with G.O.Ms.No.95, Social Welfare (CV.POA) Department, dated 29.08.2016.

3. It is the contention of the petitioners that G.O.Ms.No.95, dated 29.08.2016 had been issued by the Government, providing for payment of compensation to victims of atrocities under the SC & ST Act, 1989, as prescribed under Section 15-A (11)(b) of the SC & ST Act, 1989.

4. The petitioners have approached this Court with the complaint that the 4th respondent has not taken any steps for processing the said representations of the petitioners and inaction of the 4th respondent in not processing the said representations apart from the inaction of respondents 1 to 3 in undertaking the payment of compensation to the petitioners, is clearly arbitrary and violative of the provisions of the SC & ST Act, 1989.

5. A perusal of the record produced by the petitioners shows that the petitioners are the complainants in the proceedings mentioned above and a charge-sheet has also been filed on the basis of the said complaint.

6. In the circumstances, non-consideration of the representations of the petitioners, for payment of

compensation is clearly violative of the provisions of Section 15-A of the SC & ST Act, 1989.

7. Accordingly, this Writ Petition is disposed of with a direction to the 4th respondent to consider and process the representations dated 14.09.2021, 29.12.2022 & 04.01.2023 of the petitioners, within a period of six weeks from the date of receipt of this order and with a further direction to the respondents 1 to 3 to take steps and act in accordance with the recommendations of the 4th respondent within a period of eight weeks thereafter. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

R. RAGHUNANDAN RAO, J.

06.02.2023

BSM

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