

CRL MP(MD) No. 8288 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2025

CORAM

THE HONOURABLE DR JUSTICE R.N.MANJULA

CRL MP(MD) No. 8288 of 2025

in

CRL A(MD) No. 712 of 2025

Thirumalaisamy

...Petitioner

Vs.

1.The State of Tamilnadu

Represented by

The Deputy Superintendent of Police,

Puliankudi Sub Division,

Tirunelveli District.

(Puliankudi Police Station),

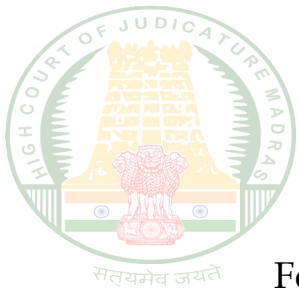
(Crime No.438 of 2016)

2.Muniammal

...Respondents

PRAYER : This Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023/Section 389(1) of Cr.P.C, to suspend the execution of sentence by granting bail in S.C.No.281 of 2025 on the file of the Principal District & Sessions Court, Tenkasi District and set aside the judgment dated 11.06.2025 by acquitting the appellant and by allowing the appeal.

For Petitioner: Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu



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For R1

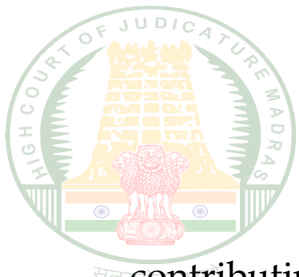
: Mr.A.Oliraja
Government Advocate

ORDER

On 14.07.2025 while hearing this petition, this court passed an order directing the District Collector , Tenkasi to ensure that there are sufficient public water tap connections available in the Thalaivankottai village and that no person belonging to Scheduled Caste Community should be allowed to wait until the water requirement of persons belonging to any other community is fulfilled. The relevant part of the order is given as hereunder:

“12. Natural resources like water is common to all. It is surprising and pathetic to note in this scientific age, that some communities needs to compete with the other communities and stand second in order to get their share from the resources dedicated to the public good. Is not the human race one Community? Though various legislations have been brought to protect the vulnerable sections from the oppressive lot who think they are superior and privileged, things at certain grass root level still remains the same.

13. It may not be easier to remove the class or caste mentality in the minds of certain individuals that easily. But people in authority cannot be mute spectators and be indifferent to these tales. Being so, would amount to



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contributing or subscribing to these meanness of minds. Nor are they expected to do some stunts for a make belief that they are the best Samaritans and that they do something heroic. What is needed is some practical solution and noiseless action. Sometimes the serenity of action is lost in empty noises. Being aware and sensitive of these realities and do things which can be done in the best of the powers vested in the authorities is the need of the hour.

14. Democracy assures rule of law not the rule of the mighty. A fragile old woman of 65 years, laments before this Court that the days have not changed and they are still facing the oppression at the hands of other community even in the matter of sharing of the common resources like water. Water is the elixir of life, and no one can live without water. The entitlement to get uncontaminated good water is a visage of right to life and hence it is a fundamental right. No individual should be allowed to toil their whole of their life to get a hassle free few piles of water and die without even enjoying this basic amenity.

15. A litigant who is not able to get drinking water for her living without much hassles cannot be considered to stand on an equal plank with her adversary. To correct certain flaws or to remedy certain grievances there shall not be any wait. Hence, I am inclined



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(i) to direct the District Collector, Tenkasi to take appropriate steps to ensure that such discrimination shall not be the order of the day in the said Thalaivankottai village.

(ii) to take steps to provide sufficient number of water tap connections with sufficient water supply in all the streets by making it clear those connections are for everyone's use, irrespective of their community and no one shall be allowed to take unduly plenty of water to the detriment or deprivation of the other or claim any ownership that any particular tap belongs to one particular community only".

16. Let a copy of this order be sent to the District Collector, Tenkasi forthwith for compliance

17. Compliance Report by 31.07.2025. Call on 31.07.2025 "

2. Today, i.e., on 31.07.2025 when the matter was taken up, a report was filed stating that 17 public water tap connections have been installed and water supply is given for 3 hours a day. It is also stated that a committee comprising of the Panchayath President, Panchayat Secretary and Zonal Assistant Block Development Officer have been formed in order to ensure that there is no discrimination between the people belonging to different communities in their respective requirement. It is



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further submitted that people from the Scheduled Caste Communities are not disturbed by the people belonging to other communities and water is being taken by every one peacefully without any trouble. It is further submitted that in the village so far no one has complained that the people belonging to Scheduled Caste community are being discriminated in any common property among the public.

3. While I place my appreciation for the good work done by the District Collector, Tenkasi to ensure that there is no discrimination in the village of Thalaivankottai, this Court wishes to impress the District Administration of each district not to wait until any complaint is received in order to take such pro-active steps to ensure that the common properties and resources are shared between the communities without any discrimination between the members of the society.

4. There can be several reasons why the problem of discrimination is not brought by individuals directly to the notice of the Authorities even when it might exist. If there is a demand for any public resource or inconvenience due to inadequate numbers or unequal distribution, disputes bound to occur. In many places, on many occasions the public water tap connection points happen to be the breeding grounds for various offences. One disagreement or unfairness will result



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in wordy quarrel and sometimes escalate to ugly or fierce actions having the ingredients of many offences.

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5. Sec.3(1)(za) (A) of the Schedules Castes / Schedules Tribes (POA) Act [hereinafter referred to as 'the Act'] includes obstruction and prevention of a member of a Scheduled Caste or a Scheduled Tribe for the use common public area or resources is an offence. The above provision reads as under:

"Sec.3(1) (za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—

(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage;"

6. The Government has got a bounden duty to ensure effective implementation of the Act. In this regard sec.21 of the Act is extracted under:

"21. Duty of Government to ensure effective implementation of the Act.—(1)

Subject to such rules as the Central Government may make in this behalf, the

State Government shall take such measures as may be necessary for the



सर्व effective implementation of this Act.

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(2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include, —

(i) the provision for adequate facilities, including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice;

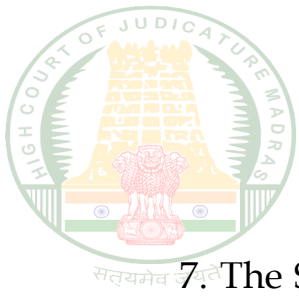
(ii) the provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under this Act;

(iii) the provision for the economic and social rehabilitation of the victims of the atrocities;

(iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;

(v) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures;

(vi) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provision of this Act;"



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7. The State Authorities at all levels are required to ensure that the provisions of the Act is not contravened by any one and all measures should be put in place as mandated under Section 21 of the Act. The action initiated by the District Collector, Thalaivankottai village will show that there was demand for more public tap connections for the better access and benefit of the villagers and that has been fulfilled now.

8. This could be the case with every village across the State and hence each District Administration as a part of their essential duties needs to constitute committees in each village panchayath in order to supervise whether the public resources dedicated to the use of common public is accessible to each one in the public community without any discrimination on the basis of caste and ensure a healthy atmosphere in the village/town/city communities in order to achieve the objectives of the Act.

9. Hence I feel it is imperative to direct the Director, Directorate of Municipal Administration, State of Tamil Nadu and the Director, Directorate of Town Panchayats, State of Tamil Nadu and the District Collectors of all Districts under the Supervision of the Chief Secretary to the Government of Tamil Nadu with the



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effective co-ordination of the Director General of Police, State of Tamil Nadu, to follow the Thalaivankottai model of implementing the objectives of Section 21 of the Act, especially in the matter of sharing the water and file a report in this regard within a period of three weeks from the date of receipt of a copy of this order.

10. Call on 21.08.2025

sd/-
31/07/2025

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04/08/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

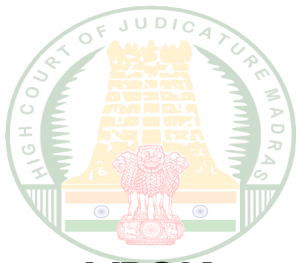
mbi

To:

- 1.The Principal District and Sessions Judge, Tenkasi.
2. The Deputy Superintendent of Police,
Puliankudi Sub Division,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy To

1. The District Collector
(All Districts) (For Effective Implementation)
- 2.The Director of Municipal Administration,



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MRC Nagar, Raja Annamalai Puram,
Chennai. (For Effective Implementation)

3. The Director of Town Panchayat,
7th & 8th Floor, Urban Administrative Office Campus,
Chennai. (For Effective Implementation)

4. The Chief Secretary to Government,
Secretariat, Fort St. George,
Chennai. (For Effective Supervision)

5. The Director General of Police,
Dr. Radhakrishnan Salai Road, Mylapore,
Chennai (For Effective Co-ordination)

6. The District Collector, Ariyalur.
7. The District Collector, Chengalpattu.
8. The District Collector, Chennai.
9. The District Collector, Coimbatore.
10. The District Collector, Cuddalore.
11. The District Collector, Dharmapuri.
12. The District Collector, Dindigul.
13. The District Collector, Erode.
14. The District Collector, Kallakurichi.
15. The District Collector, Kancheepuram.
16. The District Collector, Kanyakumari.
17. The District Collector, Karur.
18. The District Collector, Krishnagiri.
19. The District Collector, Madurai.
20. The District Collector, Mayiladuthurai.
21. The District Collector, Nagapattinam.
22. The District Collector, Namakkal.
23. The District Collector, Perambalur.
24. The District Collector, Pudukottai.
25. The District Collector, Ramanathapuram .
26. The District Collector, Ranipet.
27. The District Collector, Salem.
28. The District Collector, Sivagangai.



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29. The District Collector, Tenkasi.
30. The District Collector, Thanjavur.
31. The District Collector, Theni.
32. The District Collector, The Nilgiris.
33. The District Collector, Thoothukudi.
34. The District Collector, Tiruchirappalli.
35. The District Collector, Tirunelveli.
36. The District Collector, Tirupathur.
37. The District Collector, Tiruppur.
38. The District Collector, Tiruvallur.
39. The District Collector, Tiruvannamalai.
40. The District Collector, Tiruvarur.
41. The District Collector, Vellore.
42. The District Collector, Villupuram.
43. The District Collector, Virudhunagar.
44. The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to S. Suresh Kumar Advocate SR.No.47677 (F) dated 31/07/2025.
+1. C.C. to M/S.SPECIAL GOVERNMENT PLEADER SR.No. 48033 (F) dated
01/08/2025.

ORDER
IN
CRL MP(MD) No.8288 of 2025
IN
CRL A(MD) No. 712 of 2025
Date :31/07/2025

HPS/04.08.2025 /11P/50C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023