

In the High Court of Judicature at Madras

Dated : 17.4.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN
and

The Honourable Ms.Justice K.B.K.VASUKI

Writ Petition No.11198 of 2015 and MP.No.1 of 2015

J.Nagesh

...Petitioner

Vs

1.The District Collector, Chennai
District, Chennai-1.

2.The Personal Assistant to the
Collector (General), Office of the
District Collector, Chennai
Collectorate, 4th Floor, Chennai-1.

...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus directing the 1st & 2nd respondents to issue community certificate of the petitioner and his two children belonged to Hindu Kattunayakan Scheduled Tribe Community on the basis of the State Level Scrutiny Committee findings in proceedings No.11471/CVIII/2012 dated 3.12.2014 and that of the representation dated 3.3.2015 as well as reminder dated 31.3.2015 on merits and within a time to be stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.P.Rajeswaran, SGP

Order of the Court was made by V.Ramasubramanian, J

The petitioner is employed in the Southern Railways. The genuineness of the petitioner's community was doubted and in the enquiry, the Revenue Divisional Officer, Trichy came to the conclusion that it was not genuine. Therefore, the petitioner approached this Court by filing W.P.No.19073 of 2012 and this Court, by an order dated 6.1.2014, quashed the order of the Revenue Divisional Officer and directed the State Level Scrutiny Committee to decide the status of the petitioner.

2. Pursuant to the said order, the State Level Scrutiny Committee conducted an enquiry and passed an order dated 3.12.2014 holding that the petitioner belongs to Hindu Kattunayakan community, which is classified as a scheduled tribe and that the community certificate held by the petitioner is genuine. The State Level Scrutiny Committee also directed the petitioner to apply for a fresh certificate. Based on the conclusion arrived by the State Level Scrutiny Committee, the petitioner applied to the first respondent on 12.1.2015 for a fresh community certificate to him and his children. However, the first respondent has not issued a community certificate, forcing the petitioner to come up with the above writ petition seeking the issue of a Writ of Mandamus.

3. Heard Mr.L.Chandrakumar, learned counsel for the petitioner. Mr.P. Rajeswaran, learned Special Government Pleader takes notice for the respondents.

4. In the earlier round of litigation, the petitioner had come up with W.P.No.19073 of 2012 to quash the conclusion of the Revenue Divisional Officer, Trichy. While quashing the said conclusion of the Revenue Divisional Officer, Trichy, this Court passed an order on 6.1.2014 in W.P.No.19073 of 2012 directing the State Level Scrutiny Committee to verify the status of the petitioner. Accordingly, the State Level Scrutiny Committee conducted an enquiry and came to the conclusion that the petitioner and his children belong to Hindu Kattunayakan, a scheduled tribe community.

5. Therefore, the first respondent ought to have ensured that the petitioner is not driven to the necessity of another round of litigation before this Court. It was the duty of the first respondent to ensure that the order of the State Level Scrutiny Committee was complied with, without any necessity for the petitioner to approach this Court.

6. The learned Additional Government Pleader contended that the first respondent is entitled to conduct an enquiry and pass orders.

7. But, we do not know as to how the first respondent can now conduct a super enquiry to come to a conclusion other than the conclusion reached by the State Level Scrutiny Committee. The first respondent is bound by the proceedings of the State Level Scrutiny Committee.

8. Accordingly, the writ petition is allowed directing the first respondent to consider the application of the petitioner based on the conclusion arrived at by the State Level Scrutiny Committee and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the above MP is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The District Collector, Chennai District, Chennai-1.

2.The Personal Assistant to the Collector (General), Office of the District Collector, Chennai Collectorate, 4th Floor, Chennai-1.

1 cc to Mr.L. Chandrakumar, Advocate, Sr. 21167

1 cc t Government Pleader, Sr. 21037

W.P.No.11198 of 2015
and MP.No.1 of 2015

RJ (CO)
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