



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.05.2015

CORAM:

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

W.P.(MD).No.8097 of 2015
and
M.P.(MD)No.1 of 2015

A.ARUMUGAM .. Petitioner

Vs.

1. THE SENIOR REGIONAL MANAGER,
TAMILNADU CIVIL SUPPLIES CORPORATION,
COUNDAMPALAYAM, COIMBATORE-641 030.
2. THE REGIONAL MANAGER,
TAMILNADU CIVIL SUPPLIES CORPORATION,
COLLECTOR OFFICE COMPOUND, THANTHONIMALAI,
KARUR.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF CERTIORARI call for entire records pertaining to the impugned proceedings of the first respondent in Na.Ka.No.E4/6901/09, dated 07.04.2015 and quash the same.

For Petitioner : Mr.R.Devaraj
For Respondents : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

(The order of the Court was made by T.S.SIVAGNANAM,J.)

Heard Mr.R.Devaraj, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

2. By consent, the writ petition is taken up for final disposal.

3. The petitioner seeks to quash the proceedings of the first respondent dated 07.04.2015. At this stage, it has to be pointed out that the impugned proceedings is only a show cause notice. By the impugned proceedings, the petitioner has been directed to submit his certificates relating to his communal status within a



period of fifteen days from the date of copy of the proceedings, for the purpose of verification of its genuineness, failing which, the petitioner has been informed that further action will be taken in accordance with law.

4. The petitioner's apprehension is that the respondents will take a decision on the petitioner's communal status. In this regard, the learned counsel for the petitioner referred to the earlier order passed by this Court in W.P.No.26550 of 2010, dated 02.12.2010.

5. Heard the learned the Additional Government Pleader on the above submissions.

6. It is seen that the petitioner earlier approached this Court to quash the order passed by the second respondent dated 21.10.2010 and for a further direction to forbear the respondents from insisting fresh community certificate issued by the Revenue Divisional Officer. The said writ petition was disposed of by an order dated 02.12.2010 by following the decision of the Hon'ble Supreme Court in the case of *R.KANDASAMY v. THE CHIEF ENGINEER, MADRAS FORT TRUST* reported in *JT 1997 (7) SC 660*.

7. The said writ petition was disposed of by issuing the following directions:-

"5.Applying the said judgments to the facts of this case, the impugned order cannot be sustained. If the respondents are having any doubt about the genuineness of the Community Certificate 13.10.1989, produced by the petitioner, it is open to the respondents to refer the certificate for verification of its genuineness."

8. Thus, it is seen that in terms of the above directions issued by this Court, the respondents were entitled to refer the Community Certificate of the petitioner for verification of its genuineness. Therefore, in terms of the directions issued in the earlier writ petition, the impugned notice has been issued calling upon the petitioner to produce the certificate along with other connected records. Therefore, the petitioner cannot have any grievance on the impugned proceedings, which is only a notice. Therefore, the challenge to the same has to necessarily fail.

9. Accordingly, the writ petition is dismissed. However, it is made clear that the verification of the genuineness of the Community Certificate shall be done in accordance with law and in terms of the directions issued in the earlier writ petition referred supra.

<https://hcservices.courts.gov.in/hcservices/> In light of the above, while dismissing the writ petition, the petitioner is directed to produce the Community Certificate and other relevant records within a period of fifteen



days from the date of receipt of a copy of this order and the petitioner is also entitled to submit a written memorandum along with certificates and the same shall be considered in accordance with law. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

WEB COPY

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

rj2/trp

To

1. THE SENIOR REGIONAL MANAGER,
TAMILNADU CIVIL SUPPLIES CORPORATION,
COUNDAMPALAYAM, COIMBATORE-641 030.
2. THE REGIONAL MANAGER,
TAMILNADU CIVIL SUPPLIES CORPORATION,
COLLECTOR OFFICE COMPOUND, THANTHONIMALAI,
KARUR.

+1cc to MR.R.DEVARAJ,ADVOCATE IN SR NO.25201

Order made in
W.P.(MD).No.8097 of 2015
13.05.2015

RG.26.05.2015

3P.4C.