

THE HON'BLE SRI JUSTICE A.V. SESA SAI

-
WRIT PETITION No.31407 OF 2015
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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly the respondent No.2 herein, cancelling the caste certificate issued to the petitioner herein as belonging to KOYA (S.T) issued by the Mandal Revenue Officer, C.Belagal, (Kurnool District), dated 23.06.1986; Mandal Revenue Officer, Kurnool dated 18.06.1988 and Mandal Revenue Officer, Peddakadubur (Kurnool District) dated 13.07.1999 - in his proceedings Rc.C6/479/M/2015, dated 07.08.2015, as totally illegal and unsustainable, being in violation of all principles of law, equity and fair procedure, besides being unconstitutional and to set aside the same and consequently direct the respondents for restoration of the caste certificates the petitioner herein as belonging to KOYA (S.T.) and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.”

2. Heard Sri A.Rama Subbaiah, learned counsel appearing for the petitioner and learned Government Pleader for Social Welfare appearing for the respondents.

3. The District Collector, Kurnool District, Kurnool, pressed into service the provisions of A.P. (Schedule Castes/Schedule Tribes/Backward Classes) Regulation of Issue of Community Certificates Act 16 of 1993 (herein after, ‘the Act’) and the rules framed thereunder and issued an order vide proceedings Rc.C6/479/M/2015, cancelling the Schedule Tribe Caste certificate of the petitioner herein under Section 5(1) of the Act. As against the said order of cancellation of certificate, the petitioner herein preferred statutory appeal under the

provisions of Section 7(2) of the Act on 27.08.2015. Along with the said appeal, petitioner herein also filed stay application on the even date.

4. It is submitted by the learned counsel for the petitioner that till date no orders have been passed on the appeal or stay application filed by the petitioner herein and in view of absence of any orders in the appeal, respondent authorities are taking further action pursuant to the cancellation of the caste certificate.

5. On the otherhand, it is submitted by the learned Government Pleader that the appeal filed by the petitioner herein on 27.08.2015 is still pending consideration before the State Government and instead of awaiting the result of the said appeal, the petitioner herein has filed the present writ petition, as such, he is not entitled for any relief from this court.

6. There is absolutely no dispute with regard to filing of the appeal and stay application by the petitioner herein and pendency of the same before the 1st respondent. In the facts and circumstances of the case, this court is of the considered opinion that the interest of justice would be met, if a direction is issued to the 1st respondent – State Government to pass appropriate orders on the appeal filed by the petitioner herein on 27.08.2015.

7. In view of the submission made by the learned counsel for the petitioner that in view of the absence of any orders in the appeal respondent authorities are taking further action pursuant to the impugned order, this court deems it appropriate to protect the interest of the petitioner herein by making some interim arrangement.

8. For the aforesaid reasons, writ petition is disposed of, directing the 1st respondent – State Government to pass appropriate orders on the appeal dated 28.07.2015 filed by the petitioner herein, within a period of six months from the date of receipt of copy of this order. Till such exercise attains finality, status quo on today shall be maintained.

9. Miscellaneous petitions pending consideration, if any, in the Writ

Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

28th September, 2015
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