

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.13216 of 2015

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Between:

Arigela Veerabhadra Rao

PETITIONER

AND

1. State of Andhra Pradesh, rep. by its Additional Secretary, Tribal Welfare (CV.2) Department, Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed seeking the following relief:

“....to issue a writ order or direction particularly one in the nature of writ of Mandamus declaring that the action of the District Collector, West Godavari, Eluru in purporting to declare that the petitioner does not belong to Kondakapu community, but belong to Kapu community vide his Notification R.Dis.C3/3128/2003 dated 06.10.2005 as also by Proceedings in Roc. C3/3128/2003 dated 06.10.2005 in spite of the fact that the SSLC Certificate issued in the

year 1949 and also the TC issued by WGB College, Bhimavaram in the year 1954 and also the Community Certificate issued by the Gram Munsif, Tatiparru, Undrajavaram Mandal on 16.06.1954 show that the petitioner belongs to Kondakapu Community is illegal and arbitrary and further declaring that Memo No. 73371CV.212006 dated 10.04.2015 issued by the Additional Secretary to Government (TW), Government of Andhra Pradesh, Hyderabad directing the petitioner to attend the personal hearing on Appeal preferred by the petitioner even though the three month's period stipulated by this Hon'ble Court in WP.No.13855 of 2006 dated 11.07.2006 has elapsed as long back as in the year 2006 itself is illegal, arbitrary and violative of the principles of natural justice..."

The main grievance of the petitioner is that since the appeal filed by him in the year 2006 against the order of the Collector canceling the caste certificate, was pending without passing any orders, he is deprived of drawing the various benefits for which he is entitled to.

On 22.04.2015, when the matter came up for admission, the learned Assistant Government Pleader for Social Welfare was directed to get instructions from the 1st respondent so as to fix a schedule. Today, the learned Assistant Government Pleader once again seeks adjournment.

This is an unfortunate case where the 1st respondent did not chose to dispose of the appeal filed by the petitioner against the order of the Collector dated 6.10.2005. It is not a first case where this Court noticed that there is repeated complaints against the 1st respondent's office with regard to disposal of appeals filed under the A.P. (SC, ST and BCs) Regulation of Issue of Community Certificate Act, 1993 and Rules 1997 and keeping them pending. The Act entrusted the disposal of appeals on the authorities, who are otherwise well conversant with the integrities, to grant community certificates, considering the fact that they are exposed to ground realities on account of their work as District Administrative Officers, with the fond hope that they would take quick decisions. However, this expectation of the Legislature is belittled as is evident from a number of cases filed before this Court seeking a simple direction to the respondent-authorities to do their duty and discharge their functions entrusted to do under the Act and the Rules. Probably the time has come to examine the very system of entrusting judicial/quasi judicial functions on the executive authorities.

Having observed as above, in the facts of the present case, considering the

age of the petitioner, this Court is constrained to direct the incumbent and officiating officer in the 1st respondent to take up the appeal of the petitioner and dispose of the same within a period of six weeks from today by issuing immediate notice to the petitioner intimating him to be present on the date and time as may be fixed by the 1st respondent. It is made clear that the petitioner may represent his case either by himself or through an advocate.

With the above direction, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

1st May, 2015

Js.

Dispatch copy immediately.