

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

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WRIT PETITION NO.29661 OF 2015

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India challenging the order of the 2nd respondent-The Collector and District Magistrate, Warangal, Warangal District, vide proceedings No.C5/6308/2014, dated 13-08-2015.

2. By virtue of the said order, the Collector and District Magistrate, Warangal ordered cancellation of the Scheduled Tribe caste certificate of the petitioner herein.

3. Heard Mr.G.Madhusudhan Reddy, learned counsel appearing for the petitioners, learned Government Pleader for Social Welfare, appearing for the respondents 1 to 3 and Mr.Jithender Veeramalla, learned counsel appearing for the respondent No.4.

4. The Collector and District Magistrate, Warangal pressed into service the provisions of the A.P. (SC, ST & BCs) Regulation of issue of Community Certificates Act, 1993 (for short 'the Act') and cancelled the caste certificate of the petitioner herein by virtue of the impugned proceedings. Aggrieved by the said order of cancellation passed by the 2nd respondent, the petitioner herein filed statutory appeal before the State Government under the provisions of Section 7 of the Act on 07-09-2015. Along with the said appeal, the petitioner herein also filed stay application on the even date seeking stay of further proceedings pursuant to the orders of cancellation passed by the 2nd respondent on 13-08-2015.

5. The grievance of the petitioner herein as submitted by the learned counsel for the petitioner, is that even though the petitioner herein filed an appeal as long back as on 07-09-2015 and also stay application on the even date, no orders have been passed by the State Government either on the stay

application or on the main appeal filed by the petitioner herein and in view of the same, the petitioner herein is suffering hardship and irreparable loss and in view of said in action, the authorities are contemplating to proceed further pursuant to the impugned order, dated 13-08-2015.

6. Per contra, it is contended by the learned Government Pleader for Social Welfare appearing for the respondents 1 to 3 and Mr.Jithender Rao Veeramalla, learned counsel appearing for the 4th respondent that there is no illegality nor there is any infirmity in the impugned action, as such, the present writ petition is not maintainable and the petitioner is not entitled to any indulgence of the Court under Article 226 of the Constitution of India. It is also submitted by the learned counsel for the 4th respondent that instead of awaiting orders of the appellate authority, the petitioner herein has approached this Court by way of the present writ petition under Article 226 of the Constitution of India, as such, the present writ petition deserves to be dismissed.

7. There is absolutely no dispute with regard to the reality that the petitioner herein filed statutory appeal under Section 7 of the Act and also an application seeking stay of further proceedings against the orders of cancellation passed by the 2nd respondent. There is also no controversy with regard to the fact that the said appeal is still pending consideration before the Government without any orders on the same. This Court when ordering notice before admission on 11-06-2015 passed an order directing that no coercive steps shall be taken against the petitioner pursuant to the impugned proceedings, dated 13-08-2015.

8. Taking into consideration the rival submissions and the nature of controversy involved in the writ petition, this Court is of the considered opinion that ends of justice would be met if a direction is given to the 1st respondent-State Government to pass appropriate orders on the appeal.

9. Accordingly, the writ petition is disposed of directing the 1st respondent-State Government to pass appropriate orders on the appeal, dated 07-09-2015 filed by the petitioner herein against the orders of the 2nd respondent-Collector and District Magistrate, Warangal, dated 13-08-2015 within a period of 2 months from the date of receipt of a copy of this order after giving notice and opportunity of being heard to all the stake holders. Till such exercise attains finality, the order granted by this Court on 11-06-2015 shall continue. No order as to costs. Miscellaneous petitions, if any

pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

DATED: 09-10-2015

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