

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

Coram

The Honourable Mr.Justice HULUVADI G.RAMESH
and
The Honourable Mr.Justice V.PARTHIBAN

W.P. No. 32222 of 2016 and
W.M.P.No.27940 of 2016

P.Ramakrishnan

Petitioner

Vs.

1. The Chairman,
T.N.State Level Scrutiny Committee and
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai-600 009.

2. The Director,
Tribal Welfare Department,
Chepauk,
Chennai-600 005.

3. M.Ravichandran,
Deputy Superintendent of Police,
SC/ST Vigilance Cell,
Salem Region, Room No.109,
O/o Collectorate,
Salem.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the respondents land 2 to appoint some other Vigilance Cell Officer other than the 3rd respondent for verification of Community Certificate of the petitioner.

For petitioner : Mr.S.Doraisamy

For Respondents : Mr.P.Karthikeyan, GA for R1 & R2

ORDER

(Order of the Court was delivered by
HULUVADI G.RAMESH, J.)

This Writ Petition has been filed by the petitioner, praying for issuance of Writ of Mandamus, to appoint some other

Vigilance Officer in the matter of conducting enquiry and verification in respect of the Community Certificate of the petitioner, in the place of 3rd respondent herein.

2. On earlier two occasions, the Community Certificate of the petitioner, belonging to Kondareddi community was cancelled by the proceedings of the respondents 1 and 2, which came to be set aside by this Court vide orders dated 18.9.2012 in W.P.No.18876 of 2012 and 1.10.2013 in W.P.No.15.02.2016 and remanded the matter to the first respondent Committee for fresh enquiry.

3. It appears that pursuant to the above, a notice, dated 16.8.2016 was issued by the 3rd respondent to the petitioner, calling him upon to appear for enquiry to be held on 24.08.2016. He also attended the enquiry and sought for time to produce some more documents on his behalf.

4. While so, according to the petitioner, he came to know that as against 3rd respondent, there were lot of complaints alleging that he demands huge sum to give a favourable reports and this was also brought to the notice of the Director of Tribal Welfare Department, who conducted enquiry also on 27.4.2016 on the complaints given by the aggrieved individuals. However, there was no action against him. Apprehending that the 3rd respondent will not conduct a fair enquiry and unless he give bribe to 3rd respondent, he could not get favourable report, the petitioner has come forward with the present writ petition.

5. Learned Government Advocate, while conceding the position that there were complaints against the 3rd respondent and without pursuing much on this aspect, has submitted that he would convey the matter to higher ups and see that some other Officer would be appointed if this Court orders change of Officer.

6. In view of the above, without going into the merits, the respondents 1 and 2 are directed to appoint an appropriate person in the place of 3rd respondent herein, and conclude the enquiry as early as possible without any further delay in accordance with law and after affording sufficient opportunity to the petitioner.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Chairman,
T.N.State Level Scrutiny Committee and
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai-600 009.

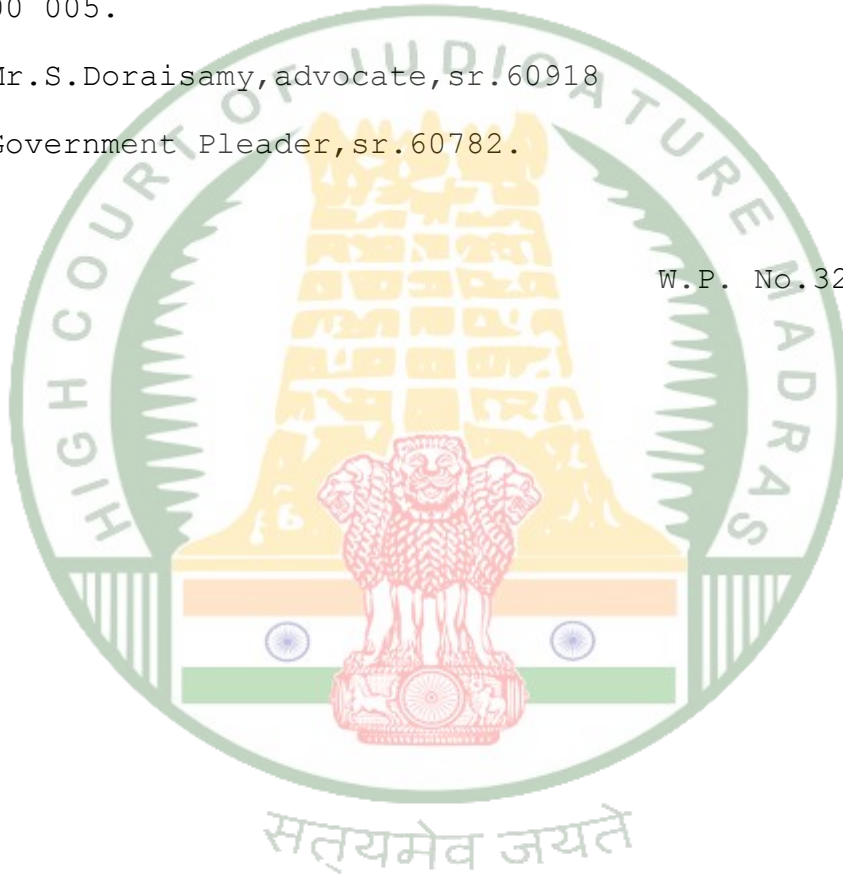
2. The Director,
Tribal Welfare Department,
Chepauk,
Chennai-600 005.

+1 cc to Mr.S.Doraisamy,advocate,sr.60918

+1 cc to Government Pleader,sr.60782.

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W.P. No.32222 of 2016



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