



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2016

CORAM:

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
and
THE HONOURABLE MRS. JUSTICE J. NISHA BANU

W.P (MD) No. 22292 of 2015
and
M.P (MD) No. 1 of 2015

C. Balakrishnan

... Petitioner

Vs.

1. The State Level Scrutiny Committee,
Rep. By it's Chairman/Secretary to Government,
Adi-Dravidar & Tribal Welfare Department,
Namakkal Kavingar Maaligai, 3rd Floor,
Secretariat, Chennai.
2. The District Collector,
Madurai District,
Madurai - 20.
3. The Deputy Superintendent of Police,
Vigilance Cell (SC & ST),
Madurai Region, Madurai.
4. The Revenue Divisional officer,
O/o. The Revenue Divisional Office,
Collectorate, Madurai,
Madurai District.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in his proceedings No. 67/CVIII/2007 dated 03.11.2015 and quash the same as illegal and consequently to direct the respondent to declare the petitioner's community as Hindu Kattunayakan Community and issue the certificate accordingly within the period that may stipulated by this Court.

For Petitioner : Mr. H. Mohammed Imran for
M/s. Ajmal Associates

For Respondents : Mr. A. K. Baskara Pandian
Special Government Pleader

**ORDER**

(Judgment of this Court was delivered by M.SATHYANARAYANAN, J.)

The petitioner challenges the proceedings of the Tamilnadu State Level Scrutiny Committee, Adi Dravidar and Tribal Welfare Department, dated 03.11.2015, in and by which, it has been unanimously concluded that the claim of the petitioner that he belongs to Hindu Kattunayakan Scheduled Tribe Community is found to be false. Therefore, the State Level Scrutiny Committee directed the District Collector, Madurai to initiate stringent action against the petitioner for obtaining false Scheduled Tribes Community Certificate. Challenging the legality of the said order, the present writ petition has been filed.

2.This Court ordered notice of motion on 14.12.2015. When the matter was listed on 26.09.2016, the learned counsel for the petitioner has drawn attention of this Court to the counter affidavit filed by the Chairman of the State Level Scrutiny Committee dated 12.05.2016 and would submit that even as per the counter affidavit, the impugned order has been withdrawn with the further direction to the District Collector, Madurai not to cancel the Community Certificate and the Employer was directed not to initiate action till further communication. It is further submission of the learned counsel for the petitioner that the petitioner is in possession of documents i.e the Community Certificate issued to the close relatives and there is no impediment on the part of the first respondent to hold that the Community Certificate possessed by him is genuine and prays for appropriate orders.

3. Per contra, the learned Special Government Pleader appearing for the respondents would submit that in the light of the stand taken by the the first respondent in the counter affidavit that impugned order itself was already withdrawn, nothing survives for adjudication in this writ petition.

4. This Court has considered the rival submissions and also perused the documents placed on record.

5. It is relevant to extract paragraph No.3 of the counter affidavit.

3. It is respectfully submitted that in the instant case the report of the SC/ST Vigilance Cell, Madurai, has been received in the State Level Scrutiny Committee and whereas the copy of the same was not served to the petitioner for offering his explanation contrary to the guideline of Supreme Court of India JT.1994(5) SC 488. Hence, the Proceedings passed by the State Level Scrutiny Committee in Proceedings No.67/CV3/2009 dated 03.11.2015 are hereby withdrawn till the receipt of the orders of Hon'ble High Court. The District Collector, Madurai has been requested not to cancel the Community Certificate of the petitioner



and the employer has been requested not to initiate any action against the employee till further communication. For the reasons stated above, it is respectfully prayed that this Court may be pleased to dismiss the above writ petition.

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6. In the light of the stand taken by the first respondent in the counter affidavit that the impugned proceeding which is the subject matter of challenge is withdrawn, nothing survives for adjudication in this Writ Petition. However, the first respondent shall furnish the copy of the Vigilance Cell/State Level Scrutiny Committee's report to the petitioner within a period of two weeks from the date of copy of this order and upon receipt of the same, the petitioner is at liberty to submit a representation including the documents to the first respondent and on receipt of the same, the first respondent is directed to consider the same on merits and in accordance with law and pass orders within further period of eight weeks thereafter and communicate the decision to the petitioner.

7. In the result, this writ petition is closed. No costs. Consequently, connected M.P.(MD) No.1 of 2015 is also closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

- 1.The Chairman/Secretary to Government,
State Level Scrutiny Committee,
Adi-Dravidar & Tribal Welfare Department,
Namakkal Kavingar Maaligai, 3rd Floor, Secretariat, Chennai.
- 2.The District Collector, Madurai District,
Madurai - 20.
- 3.The Deputy Superintendent of Police,
Vigilance Cell (SC & ST), Madurai Region, Madurai.
- 4.The Revenue Divisional officer,
O/o. The Revenue Divisional Office,
Collectorate, Madurai, Madurai District.

+ 1 CC TO M/S.AJMAL ASSOCIATES, ADVOCATE IN SR No. 63170
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 64191

CM

TE/SKS-RR : 11/11/2016 : 3P/7C

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W.P(MD)No.22292 of 2015 and
M.P(MD)No.1 of 2015
24.10.2016