



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

and

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

W.P (MD) No. 19992 of 2016

and

W.M.P (MD) No. 14392 of 2016

Nambiraj

... Petitioner

Vs.

1. The Secretary,
Government of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Secretariat, St. Fort George,
Chennai - 600 009.

2. The District Level Vigilance Committee,
Rep. By its Chairman/District Collector,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the proceedings of the second respondent made in Na.Ka.No.AA.4/46283/2015 dated 3.10.2016 and quash the same.

For Petitioner : Mr. R. Murali for M. Sureshkumar

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 legality of the impugned proceedings dated 03.10.2016 passed by the second respondent in and by which the Community Certificate bearing No. U.P. 16922/81 dated 21.02.1982 issued by the Revenue Divisional Officer, Tirunelveli, in favour of the petitioner held to be not genuine.

2. The learned counsel for the petitioner would submit that in the light of the judgement dated 08.01.2008 made in W.A. (MD) No. 3453 of 2002, the second respondent was directed to cause



verification of genuineness of Community Certificate of the petitioner and subsequently, the Adi Dravidar and Tribal Welfare Department, Secretariat, Chennai-9, sent a communication in Letter No.19185/CV-2/2013 dated 29.07.2016 directing the Deputy Superintendent of Police, Scheduled Caste/Scheduled Tribes, Madurai Region to conduct an enquiry and upon enquiry in the presence of the petitioner, sent a detailed report to the State Level Scrutiny Committee expeditiously.

3. It is relevant to extract paragraph No.4 of the said order.

4. I am, therefore to request you to verify the genuineness of the Scheduled Tribe Hindu Kondareddis Community Certificate issued to Thiru S.Nambiraj, S/o. Thiru.A.Sankaranarayana Reddiar by the Revenue Divisional Officer, Tirunelveli by making an open inquiry in the presence of the individual and to obtain the following evidences and send a detailed report to the State Level Scrutiny Committee expeditiously.

i) Extract of Birth Register of the individual and his parents

ii) Copy of the Elementary/Primary School Admission Register/Record Sheet of the individual and individual's father and mother (if studied in School).

iii) Secondary School Leaving Certificate of the individual's and his parents copy of S.S.L.C. Book (if studied in School)

iv) School Transfer Certificate of the individual's and his parents (if studied in School)

v) Community Certificate issued to the individual by the Revenue authority.

vi) First page of Service Register of the individual's father/mother if employed/retired.

vii) Community Certificate issued to the individual's father/mother.

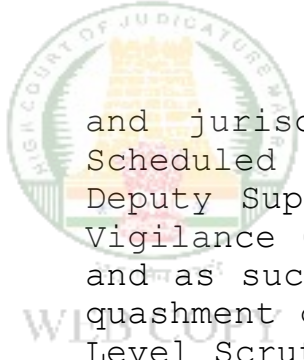
viii) Sale deed if any executed prior to the year 1950 where in community is expressly mentioned.

ix) Any record/evidence to defend the individual's claim of the community status.

x) Family tree for proof of blood relationship duly authorized by Revenue authorities and

xi) a spot enquiry report regarding the cultural aspects and customs of the individual, particularly, anthropological traits, deity, rituals, mode of marriage, death ceremonies, method of burial of dead bodies and customs of the individual with the help of an anthropologist.

<https://hcservices.ecourts.gov.in/hcservices>
 4. The learned counsel for the petitioner would submit that in the light of G.O.(2D)No.108, Adi Dravidar and Tribal Welfare (CV-1) dated 12.09.2007, the second respondent lacks competency



and jurisdiction to verify the genuineness of Hindu Kondareddy Scheduled Tribe Community Certificate. Therefore, rightly the Deputy Superintendent of Police, Scheduled Caste/Scheduled Tribes Vigilance Cell, Madurai Region was directed to conduct an enquiry and as such, the impugned order cannot be sustained and prays for quashment of the same with a further direction directing the State Level Scrutiny Committee to expedite the process.

5. This Court considered the submissions of Mr.A.K.Baskara Pandian, learned Special Government Pleader also.

6. In the light of the letter of the Secretary, Adi Dravidar and Tribal Welfare Department bearing No. 19185/CV-2/2013 dated 29.07.2016 and G.O.(2D)-18 No.108 Adi Dravidar and Tribal Welfare (CV-1) Department dated 12.09.2007, impugned order passed by the second respondent is quashed and the matter is remanded back to the State Level Scrutiny Committee and the said Committee is directed to take up the said decision and after obtaining a report of the Deputy Superintendent of Police, SC/STs Vigilance Cell, Madurai Region, District Adi Dravidar and Tribal Welfare Office, Madurai, shall pass orders on merits and in accordance with law as expeditiously as possible and not later than 12 weeks from the date of receipt of copy of this order and communicate the decision taken to the petitioner.

7. In the result, this Writ Petition is partly allowed. No costs. Consequently, connected W.M.P.(MD) No.14392 of 2016 is closed.

Sd/-
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

- 1.The Secretary,Government of Tamilnadu,Adi Dravidar and Tribal Welfare Department,Secretariat, St.Fort George, Chennai - 600 009.
- 2.The Chairman/District Collector, The District Level Vigilance Committee, Tirunelveli District,Tirunelveli.

+1 CC to Mr.M.SURESH KUMAR, Advocate, SR No.63232

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.64195

**W.P(MD)No.19992 of 2016 and
W.M.P(MD)No.14392 of 2016
24.10.2016**