

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19444 OF 2016

ORDER:

This Writ Petition is filed seeking to declare the inaction of respondent authorities on the complaint made by the petitioner on 20.05.2016 against respondent No.5, as illegal and arbitrary.

The grievance as set out by the petitioner in the Writ affidavit is that respondent No.5 though belonging to Backward Class (Vaddera Community), claiming herself as Scheduled Tribe (Koya), got elected as MPTC of Jeelugumilli Village and Mandal, West Godavari District. Such approach of respondent No.5 claiming herself as belonging to Scheduled Tribe (Koya) by producing false certificate has been brought to the notice of respondent No.2 – District Collector by the petitioner vide complaint, dated 20.05.2016 and action is sought to be taken against respondent No.5 by causing due enquiry. It is also the contention of the petitioner that the villagers of Chirrivarigudem also made a complaint to respondent No.3 - Revenue Divisional Officer. In spite of long lapse of time, as no action has been initiated by the respondent authorities on the complaint of the petitioner, the present Writ Petition is filed.

Considering the nature of the relief which is being sought for in the Writ Petition and as it is only inaction on

the part of respondent authorities what was being complained of, the Writ Petition is being disposed of at the stage of admission.

As a matter of fact, based on the complaint made by the petitioner, respondent No.2 has already directed respondent No.3 to enquire into the particulars like Vamsa Vruksham, Gotras if any, including the traditions, customs and formalities and arrive the actual caste and category of the individual along with material evidence. Though respondent No.2 has directed respondent No.3 to cause enquiry with respect to certain particulars, he appears to have lost sight of the provisions of the A.P. (SC, ST and BC) Regulation of Issue of Community Certificates Act, 1993 (for short, 'the Act') and the Rules and Regulations made thereunder, as it is he, who alone is the competent authority to determine and take necessary steps on the compliant received from any person in terms of Section 5 of the Act read with the Rules and Regulations made thereunder.

In that view of the matter, respondent No.2 shall take necessary steps in the matter in accordance with the procedure notified under the Act and the Rules made thereunder, and complete the enquiry within a period of eight (8) weeks from the date of receipt of a copy of this order.

Subject to the above, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ

Petition, shall stand closed. No costs.

RAM, J
June 21, 2016
MD

CHALLA KODANDA