

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.14532 of 2016,
W.M.P.Nos.12689 and 17387 of 2016

T.Senthil Kumar ... Petitioner

Vs.

1.The Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat
Chennai 600 009
rep. by its Chairman

2.The Director of Tribal Welfare
Chepauk
Chennai 600 005

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records relating to the notice in Na.Ka.No.Pame/Aa2/22/2015 dated 08.03.2016 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.V.Elangovan

For Respondents: Mr.A.Kumar,
Special Government Pleader
for R1 & R2
Mr.C.Prakasam,
for Implead Petitioner

O R D E R

K.K.SASIDHARAN, J.

The notice issued by the Director of Tribal Welfare dated 8 March 2016, calling for response from the petitioner taking into account the Vigilance Report is under challenge in this writ petition.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader on behalf of the

3. The petitioner obtained a Community Certificate from the Revenue Divisional Officer, Salem on 19 December 1995 indicating that he belongs to "Kondareddis" community. The community status of the petitioner was taken up for verification by the State Level Scrutiny Committee, pursuant to the order dated 17 June 2015 in the writ petition in W.P.No.11410 of 2015. The Statutory Committee ultimately passed an order dated 6 November 2015 cancelling the Community Certificate issued to the petitioner. The said order was challenged by the petitioner in the writ petition in W.P.No.37233 of 2015. During the currency of the said writ petition, the first respondent passed an order cancelling the earlier order dated 6 November 2015. In view of the subsequent events, the writ petition was closed. Subsequently, the second respondent issued notice to the petitioner, calling for his explanation. It is the said notice, which is impugned in this writ petition.

4. The State Level Scrutiny Committee, by notice dated 24 January 2017, called upon the petitioner to appear along with documents. In view of the subsequent events, there is no need to consider the legality and correctness of the notice issued by the Director of Tribal Welfare, Chennai.

5. The learned counsel for the petitioner submitted that the petitioner would cooperate with the first respondent for an early resolution of the issue.

6. We direct the petitioner to appear before the Committee on the next date of hearing along with the documents indicated in the notice dated 24 January 2017. The State Level Scrutiny Committee is directed to consider the matter in the light of the law laid down by the Hon'ble Supreme Court in Kumari Madhuri Patil v. Additional Commissioner, Tribal Development and others [(1994) 6 SCC 241] and the related judgments and orders passed by the Government and pass appropriate orders on merits and as per law. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order. In case, the petitioner fails to appear before the Committee, in spite of giving him reasonable time, it is open to the State Level Scrutiny Committee to pass appropriate orders on merits and as per law.

7. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

To

1.The Chairman

The Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat, Chennai 600 009

2.The Director of Tribal Welfare

Chepauk
Chennai 600 005

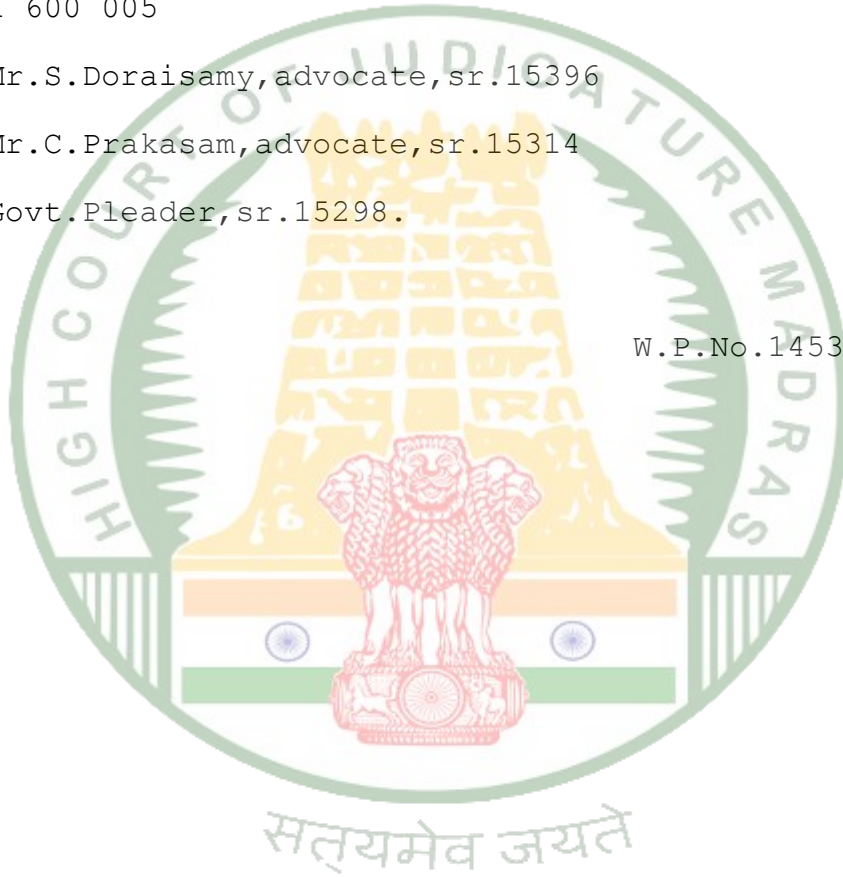
+1 cc to Mr.S.Doraisamy,advocate,sr.15396

+1 cc to Mr.C.Prakasam,advocate,sr.15314

+1 cc to Govt.Pleader,sr.15298.

br(co)
krd 13/4

W.P.No.14532 of 2016



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