

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2017

CORAM

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

W.P.Nos.40548, 40549 of 2015,
M.P.Nos.1 and 2 of 2015

R.Kousalya ... Petitioner in W.P.No.40548/2015

N.Rajendrakumar ... Petitioner in W.P.No.40549/2015

Vs.

1.Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai -9.
Rep. by its Chairman.

2.The Collector,
Salem District, Salem.

3.The Inspector of Police,
CBCID, Salem. ...Respondents in both WPs

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 2nd respondent to forward the connected records relating to the enquiry regarding the community certificate of the petitioners to the first respondent to verify the genuineness of the social status of the petitioners and direct the third respondent not to proceed with the criminal case in C.C.No.108 of 2015 on the file of the Judicial Magistrate No.4, Salem till the enquiry is completed by the first respondent.

For Petitioners : Mr.S.Doraisamy

For Respondents : Mr.K.Dhananjayan
Special Govt.Pleader

C O M M O N O R D E R

K.K.SASIDHARAN, J.

The issue regarding verification of the community status of the petitioners is now pending before the Tamil Nadu State Level Scrutiny Committee constituted by the Government, pursuant to the direction of the Hon'ble Supreme Court in Kumari Madhuri Patil v. Additional Commissioner, Tribal Development and others [(1994) 6 SCC 241].

2. The petitioners have come up with these writ petitions with a grievance that notwithstanding the pendency of the proceedings before the first respondent, the Inspector of Police, CBCID, Salem, filed charge sheet before the jurisdictional Court in Crime No.2 of 1996 and the learned Magistrate is contemplating to proceed with the criminal trial in C.C.No.108 of 2015.

3. The counter affidavit filed by the first respondent indicates that inspite of issuing notice, the petitioners failed to appear before the Committee. In short, the proceedings are kept pending on account of the non-appearance of the petitioners along with documents to prove their community status.

4. The petitioners now seek a direction to the criminal court not to proceed with the trial, which is beyond the scope of these writ petitions.

5. We direct the first respondent to dispose of the scrutiny proceedings relating to the community status of the petitioners, as expeditiously as possible, and in any case, within a period of three months from the date of receipt of a copy of this order.

6. The petitioners are directed to appear before the Committee on receipt of summons without taking adjournment. In case, the petitioners fail to appear before the first respondent, in spite of giving reasonable time, it is open to the Tamil Nadu State Level Scrutiny Committee to pass appropriate orders on merits and as per law.

7. It is open to the petitioners to move the appropriate Court to redress their grievance in respect of the prosecution.

8. The Writ Petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Chairman.
Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai -9.
 2. The Collector,
Salem District, Salem.
 3. The Inspector of Police,
CBCID, Salem
- +1 CC to Govt. Pleader sr 16252
+2 Ccs to Mr. S. Doraisamy, Advocate sr 16173, 16172

W.P.Nos.40548 and 40549 of 2015

KGK (CO)
sp/27/3

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