



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.P(MD)No.20834 of 2013

R.Prakasam : Petitioner

Vs.

1.The Chairman,
State Level Scrutiny Committee and
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Chennai - 600 009.

2.The Revenue Divisional Officer,
Madurai Division,
Madurai. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the first respondent in No.22648/CVIII/2008 dated 31.10.2013 and quash the same as illegal and consequentially to direct the respondent to declare that the proceedings belongs to Hindu Kattunayakan Community classified as Scheduled Tribe within the period that may be stipulated by this Honourable Court.

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

For R-1 & R-2 : Mr.S.Chandrasekar,
Government Advocate

ORDER

[Order of the Court was made by R.SUBBIAH, J.]

This writ petition has been filed seeking for a writ of Certiorarified Mandamus calling for the records of the impugned proceedings of the first respondent, dated 31.10.2013 and quash



the same as illegal and consequently, to declare that the petitioner belongs to Hindu Kattu Nayakan Community classified as Scheduled Tribe, within a stipulated period.

2. It has been averred in the petition that the petitioner belongs to kattu Nnayakan Community, which is classified as Schedule Tribe and he is a B.L Graduate and the results have been withheld for verification of genuineness of his community certificate. In the year 2004, the petitioner submitted a representation to the second respondent for issuance of community certificate stating that he belongs to Kattu Nayakan Community. But, the same was rejected vide proceedings dated 24.06.2006. Thereafter, the petitioner preferred a review before the first respondent. The first respondent took up the case for enquiry and directed the petitioner to appear for enquiry on 16.08.2012, 03.04.2013 and 17.09.2013. Thereafter, enquiry was conducted by the Vigilance Cell (Madurai Division) in pursuance of the direction issued by the first respondent. The said committee, submitted a report stating that the petitioner did not belong to Hindu Kattu Nayakan Community. According to the petitioner, the Vigilance Cell, has neither issued notice calling upon the petitioner to appear for enquiry nor enquired the petitioner. Furthermore, the petitioner was not furnished with the report of the Vigilance Cell said to have been submitted to the first respondent. The first respondent without furnishing the copy of the Vigilance Committee report to the petitioner, rejected his claim. Hence, the petitioner has come forward with the present Writ Petition.

3. When the petition is taken up for hearing today, the learned counsel for the petitioner by relying upon a judgment of the Honourable Division Bench of this Court in **M.Ayyanar vs. the District Collector and three others** reported in **2016(1)CWC 359**, submitted that as per the said judgment, the report of the Vigilance Committee has to be furnished to the concerned person before passing order. But, in the instant case, without furnishing the Vigilance Committee report, order was passed by the first respondent. Thus, he sought for setting aside the impugned order.

4. Heard the submissions made on both sides and perused the materials available on record.

5. In view of the above stated position, the impugned order of the first respondent, dated 31.10.2013, is set aside and the first is directed to issue notice to the petitioner to appear for enquiry by furnishing Vigilance Committee Report within two weeks from the date of receipt of a copy of this order and on receipt of the same, the petitioner is directed to appear for enquiry along with relevant documents in support of his claim. On production of the same, the first respondent is directed to consider the same



and pass appropriate orders, preferably within a period of six weeks thereafter.

6. The Writ Petition is allowed as indicated above. No costs.

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/True Copy/

Sd/-
Assistant Registrar

Sub Assistant Registrar

pm
To

1.The Chairman,
State Level Scrutiny Committee and
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Chennai - 600 009.

2.The Revenue Divisional Officer,
Madurai Division,
Madurai.

+1CC to Spl.Government Pleader Sr.No.6611

GJM/RSK/10.3.17-3p-4C

Order made in
W.P. [MD] .No.20834 of 2013
06.02.2017