

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.5511 of 2010

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the District Collector, Ranga Reddy - 2nd respondent in issuing the proceedings No. C2/841/2007 dated 17.02.2010 canceling the Community / Caste Certificate of the Petitioner obtained from the then Mandal Revenue Officer, Balanagar Mandal, vide File No. C/1413/1986-9 dated 08.06.1987, and declaring that the petitioner does not belong to Schedule Tribe - konda Kapu Caste, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that she belongs to Scheduled Tribe Community (Konda Kapu). Basing on the allegations made by the President of All India Banjara Seva Sangam and others, the Collector, Hyderabad District requested the Joint Transport Commissioner to furnish copy of the caste certificate of the petitioner. Thereafter, the Collector called for an enquiry and the petitioner attended to the enquiry. A show cause notice was also issued to the petitioner to submit her explanation. But the petitioner requested to supply the report submitted during the enquiry. But, the Collector, without considering her request, passed an order canceling the caste certificate of the petitioner vide proceedings, dated 19.05.2008. Against the same, the petitioner filed WP No.11740 of 2008 before this Court and this Court vide order, dated 06.09.2008, allowed the writ petition and remanded the matter to the Collector for fresh enquiry and also directed the petitioner to submit her explanation without inviting notice. In pursuance of the order passed by this Court in WP No.11740 of 2008, the

petitioner submitted detailed explanation and the Collector, after considering the explanation submitted by the petitioner, passed orders on 17.02.2010 cancelling the community certificate of the petitioner.

When the matter is taken up for hearing, it is informed by the learned counsel for respondents that the petitioner has an alternative remedy of appeal against the order under challenge and that she can approach the appellate authority by way of filing an appeal. If it is the grievance of the petitioner that the order passed by the 2nd respondent is illegal and violative of principles of natural justice, she can very well approach the appellate authority and can file an appeal against the order of the 2nd respondent.

At this juncture, learned counsel for the petitioner submitted that if it is the view of this Court that the petitioner has to file an appeal, the rights of the petitioner may be protected till disposal of the appeal.

Considering the circumstances of the case and in view of the submissions of the learned counsel for the petitioner, this Court is of the view that the writ petition can be disposed of with the following directions:

The petitioner is directed to prefer an appeal before the appellate authority within a period of thirty (30) days from the date of receipt of a copy of this order and on such appeal being filed, the appellate authority shall dispose of the same within a period of three (3) months. Till disposal of the appeal, the respondents are directed not to take any coercive steps against the petitioner on the basis of the order passed by the primary authority.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions, pending if any, shall stand closed.

RAJA ELANGO, J

September 06, 2017

KTL

