

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.25344 of 2012

ORDER:

The writ petition is filed by the District Chenchu Seva Sangham with the following prayer:

“..... To issue a Writ, Order or Direction, more particularly one in the nature of “Writ of Mandamus” to declare that the Chenchu Tribe is the only Scheduled Agency Area Tribe as classified by the Presidential Order, 1950 and all reservations for Scheduled Tribes must be acted upon in accordance with the Presidential Order, 1950 and pass such other order or orders as the Hon'ble Court may be deemed fit and proper in the interest of justice.”

The writ petition is preferred on the basis of original presidential order of the Scheduled Castes and Tribes are listed at Sl.No.2 after (26) listed Tribes and says that only Chenchus are to be recognized as Tribes in the scheduled areas.

Counter affidavit is filed by the 1st respondent, wherein in para No.2 it is stated as follows:

“It is submitted that as per the Constitution (Scheduled Tribes) Order, 1950, (Part III-Rules and Orders under the Constitution) the ‘Chenchu’ is shown at Sl.No.4 and Sugalias and Lambadis are shown at Sl.No.29. As per Constitution (Scheduled Tribes) Order, 1950 issued by the President under Article 342(1) of the Constitution, as amended by Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 which is enacted by Parliament under Article 342(2) of the Constitution-Scheduled Tribes-Lambadis not specified as Scheduled Tribe with respect to State of Andhra Pradesh in the Presidential Order of 1950, however, by

Amendment Act 1976, Sugalies and Lambadas was included in the list of Scheduled Tribes in relation to State of A.P., along with others. There are people residing in the Scheduled Tribal areas such as Lambadis, Sugalies Yerukala etc., Hence the claim of the petitioner that the Chenchu Tribe alone is the only Scheduled Agency Area Tribe is highly incorrect.”

No reply affidavit is filed.

Learned counsel for the petitioner also says that in view of subsequent amendments, the writ petition has to be dismissed. By subsequent amendment as stated in the counter affidavit any Sugalies and Lambadas also included in the list of Scheduled Tribes. It cannot be said that the petitioner's Association who is said to be representing welfare of Tribals is not aware of amendment of the year 1976. It is unfortunate that inspite of amendment in the year 1976 without disclosing the same, the writ petition was filed and interim order was obtained causing inconvenience to the other parties, who had been impleaded in the writ petition.

In view of the above facts and circumstances of the case, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J



