

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.P.No.15370 of 2005

K.A.Krishnan

.. Petitioner

Vs

- 1.The Government of Tamil Nadu
rep. by its Secretary,
Adi Dravida Tribal Welfare Department,
Fort St. George, Chennai - 9.
- 2.The Chairman for the District
Level Vigilance Committee for
Community Certificate Verification,
Trichirappalli rep. by District Collector
- 3.The Tahsildar,
Manapparai, Tiruchy District.
- 4.The District Collector,
Sivagangai District, Sivagangai.
- 5.The District Collector,
Tiruchirappalli District.
- 6.The Chairman,
Chennai Port Trust, Chennai - 1.
- 7.The Chief Mechanical Engineer,
Administrative Office,
Chennai Port Trust,
Rajaji Salai, Chennai - 1.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the records relating to the Government Order issued by the first respondent in G.O.2D/18 Adi Dravidar and Tribal Welfare (ADW2) Department dated 01.04.1997 and the consequential order of the second respondent in Na.Ka.Y7-149190-86 dated 25.03.2005 and quash the same.

For Petitioner .. Mr.Kandhan Duraisami

For Respondents.. Ms.A.Sri Jayanthi,
Spl. Govt. Pleader for R1 to R5
Mr.R.Karthikeyan for R6 & R7

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Challenging the Government Order issued by the first respondent in G.O.2D/18 Adi Dravidar and Tribal Welfare (ADW2) Department dated 01.04.1997 and the consequential order of the second respondent in Na.Ka.Y7-149190-86 dated 25.03.2005, the present writ petition has been filed.

2.Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for respondents 1 to 5 and the learned counsel appearing for respondents 6 and 7.

3.The issue sought to be raised is no longer res integra. It has been held by the Apex Court that constitution of two member committee is improper and therefore, the decision cannot be sustained in the eye of law.

4. In such view of the matter, the impugned order dated 25.03.2005 stands set aside. Consequently, we direct the second respondent to transmit the papers available in its office to the State Level Scrutiny Committee, Adi Dravidar and Tribal Welfare Department, Namakkal Kavingar Maligai, Secretariat, Chennai - 9 within a period of six weeks from the date of receipt of a copy of this order. On receipt of the same, the State Level Scrutiny Committee shall dispose of the matter within a period of twelve weeks thereafter, after affording an opportunity of hearing to the petitioner.

5.The writ petition is allowed on the above terms. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Adi Dravida Tribal Welfare Department,
Fort St. George, Chennai - 9.
- 2.The District Collector/The Chairman for the District
Level Vigilance Committee for
Community Certificate Verification,
Trichirappalli.
- 3.The Tahsildar,
Manapparai, Tiruchy District.
- 4.The District Collector,
Sivagangai District, Sivagangai.
- 5.The District Collector,
Tiruchirappalli District.
- 6.The Chairman,
Chennai Port Trust, Chennai - 1.
- 7.The Chief Mechanical Engineer,
Administrative Office,
Chennai Port Trust,
Rajaji Salai, Chennai - 1.
- 8.State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai - 9.

+lcc to Mr.Muthumani Doraisami, Advocate Sr.80656
+lcc to the Government Pleader Sr.81353

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srg 24/12/2018