

IN THE JUDICATE OF MADRAS HIGH COURT

DATE : 09.03.2018

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THE HON'BLE MR.JUSTICE R.SUBBIAH

and

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

C.M.A.No.3667 of 2018

K. Mahalingam

... Petitioner

vs.

1. State Level Scrutiny Committee
represented by the Chairman &
Secretary to Government,
Adi Dravidar and
Tribal Welfare Department,
Secretariat,
Chennai - 600 009

2. The Deputy Superintendent of Police,
SC/ST Vigilance Cell, Chennai Region,
2nd floor, Singaravelar Maaligai,
Rajaji Salai,
Chennai - 600 001

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent No.1 Committee to decide the community status of the petitioner on the basis of the proceedings of the Three Member District Vigilance Committee, Chennai dated 10.05.2007, which were confirmed by the Hon'ble Court vide its Order dated 12.09.2008 in WP No.21818 of 2008 within a reasonable time as may be determined by the Honourable Court.

For Appellant : Mr.M. Radhakrishnan

For Respondent : Mr.N. Parthasarathy,
Government Advocate

ORDER

(Order of the Court was made by R.SUBBIAH, J.,)

The petitioner has filed the present writ petition seeking to issue a Writ of Mandamus directing the first respondent/State Level Scrutiny Committee to decide the community status of the

petitioner on the basis of the proceedings of the Three Member District Vigilance Committee, Chennai dated 10.05.2007, which were confirmed by the Hon'ble Court vide its Order dated 12.09.2008 in WP No.21818 of 2008..

2.The brief facts that are necessary to decide the writ petition are as follows:

The petitioner belongs to Kurumans Scheduled Tribe, as could be seen from his community certificate dated 28.06.1977, issued by Tahsildar, Tirupattur, Vellore District. The said certificate was referred for verification by the first respondent and after verification, the certificate was cancelled by the first respondent/State Level Scrutiny Committee by order dated 12.08.2015. Hence, the petitioner challenged the cancellation of the certificate by way of writ petition in W.P No.28530 of 2015. This Court by order dated 01.12.2015 held as follows:

In view of the fact that the order dated 12th August 2015 has been withdrawn by the State Level Scrutiny Committee, it may safely be held that no decision is taken by the State Level Scrutiny Committee on the verification of the community certificate, issued by the then competent officer".

3. Pursuant to the order passed by this Court on 10.12.2015 in W.P.No.28530 of 2015, fresh enquiry was commenced directing the petitioner to appear before the second respondent/ SC/ST Vigilance Cell, Chennai Region on 20.12.2016 at Village Administrative Officer, Thiriyalum, Tirupattur Taluk, Vellore District.

4. The petitioner also appeared on 20.12.2016 and produced the proceedings of the Three Member District Vigilance Committee, Chennai dated 10.05.2007, declaring one Mr.V. Parthasarathy, who is his blood relative, belongs to Kurumans Scheduled Tribe. The petitioner also produced relationship certificate to the second respondent, showing that the petitioner and the above said V. Parthasarathy are blood relatives. Once again the petitioner was directed to appear before the second respondent on 09.01.2017 and on appearance, his statement was recorded and he was told by the second respondent that a report regarding the enquiry would be sent shortly. But till date, the second respondent/Vigilance Cell has not sent any report to the first respondent. Hence the petitioner has come forward with the present writ petition.

5. Heard the submissions of the learned counsel appearing on behalf of the petitioner and the learned Government Advocate, appearing on behalf of the respondents.

6. After hearing both sides, this Court is inclined to pass the following order:-

The second respondent/SC/ST Vigilance Cell, Chennai Region is directed to consider the particulars furnished by the petitioner and submit the report to the first respondent on or before 31.03.2018. The first respondent, on receipt of the report from the second respondent, is directed to furnish a copy of the same to the petitioner, complete the enquiry and pass appropriate orders on merits and in accordance with law following the procedure set out in the relevant government orders and judicial decisions on the subject on or before 31.05.2018.

7. With the above direction, the writ petition is disposed of. No costs. It is made clear that we have not expressed any opinion on the merits of the matter.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sr

To

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

2. The Deputy Superintendent of Police,
SC/ST Vigilance Cell, Chennai Region,
2nd floor, Singaravelar Maaligai,
Rajaji Salai,
Chennai - 600 001

+ 1 cc to Mr.M. Radhakrishnan, Advocate Sr.18630

W.P.No.3667 of 2018

(CCC)

EU(28/03/2018)