

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

Coram

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

W.P.No.24702 of 2018
and
W.M.P.No.28735 of 2018

M.Ulagappan

.. Petitioner

Vs

1.The Chairman,
Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 9.

2.The District Collector,
Dharmapuri.

3.The Revenue Divisional Officer,
Dharmapuri.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records in the order bearing No.Na.Ka.10719/2018/Ko3 dated 06.09.2018 passed by the second respondent and quash the same and direct the third respondent to issue a "Kurumans" Scheduled Tribe community certificate to the petitioner's daughter namely U.Tamizhpavai.

For Petitioner .. Mr.M.Radhakrishnan

For Respondents.. Ms.A.Sri Jayanthi,
Spl. Govt. Pleader

ORDER

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

This writ petition has been filed by the petitioner inter alia contending that the order passed by this Court has been wrongly construed by the State Level Scrutiny Committee viz., the first respondent. The direction is only to the first respondent to pass appropriate orders, based upon which, consequential orders will be passed by the second respondent. Instead of doing that, the second respondent has directed the first respondent to pass orders.

2.Learned Special Government Pleader appearing for the respondents submits that as per the Government Order governing, it is the District Collector, who is the competent authority, being the appellate authority to the order passed by the Revenue Divisional Officer. It is further submitted that only on the request of the petitioner, such a decision was made by the State Level Scrutiny Committee.

3.To deal with this controversy, it would be appropriate to record the direction of the Division Bench in W.P.Nos.15117, 14611 and 14706 of 2016 dated 18.07.2016, which reads as under:

"19.For the above said reasons, we are of the view that the impugned orders passed by the respondent in all the writ petitions warrant interference since the same are unsustainable in law and accordingly the impugned orders are set aside. The State Level Scrutiny Committee shall verify the said applications and forward its report within a period of one month from the date of receipt of a copy of this order and the respondent after obtaining the report shall issue certificates in accordance with law to the petitioners within a period of one month thereafter."

4.The aforesaid order is very specific. The direction is issued only to the first respondent. Based upon the decision of the first respondent, the second respondent was directed to take appropriate action with respect to issuance of community certificate. Even assuming that the petitioner has made a request, the first respondent ought not to have acceded to it. What is important is the compliance of the order of the Court and not the convenience of the parties.

5.In such view of the matter, the order impugned stands set aside and consequently, we direct the first respondent to comply with the order of the Division Bench referred supra and appropriate compliance will have to be made within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,

Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 9.

2.The District Collector,
Dharmapuri.

3.The Revenue Divisional Officer,
Dharmapuri.

+1cc to Mr. M.Radhakrishnan, Advocate SR.No. 88257

+1 CC TO GOVERNMENT PLEADER SR.NO. 88384

W.P.No.24702 of 2018

A.SK(31/01/2019)