

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice N.ANAND VENKATESH

W.P.No.16787 of 2018
and
W.M.P.Nos.19971 and 19972 of 2018

C.Padmavathy

.. Petitioner

Vs

- 1.The Tamil Nadu State Level Scrutiny Committee, Adi Dravidar and Tribal Welfare Department, Namakkal Kavingar Maligai, Secretariat, Chennai - 9 rep. by its Chairman.
- 2.The Director of Tribal Welfare Department, Chepauk, Chennai - 5.
- 3.The Deputy Superintendent of Police, Social Justice and Human Rights Division, Vigilance Cell, Chennai Zone, Chennai - 5.
- 4.The Anthropologist, Member, District Level Vigilance Committee, Department of Anthropology, University of Madras, Chennai - 5.

.. 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 report of the third respondent in Na.Ka.No.02/ACP/SJ&HR/SC-ST/VC/OER/Chennai/2017 dated 22.03.2018 as well as the report of the 4th respondent dated 04.12.2017 and quash the same.

For Petitioner .. Mr.S.Doraisamy

For Respondent .. Mr.K.Rajendra Prasad,
Addl. Govt. Pleader for R1 to R3

ORDER

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

What is challenged before us is the report of respondents 3 and 4. It appears, pursuant to the report, a show cause notice was issued asking the petitioner to give her reply within 30 days from the date of receipt of the notice.

2.Learned counsel appearing for the petitioner would submit that there is a procedural lacunae in the report filed. The Government Order governing the case in G.O.Ms.No.106 Adi Dravidar and Tribal Welfare (CVI) Department dated 15.10.2012 has been violated and thus not followed.

3.We do not find any merit in this writ petition. The writ petition is premature. Admittedly, the show cause notice was issued by the second respondent which is still pending consideration. The petitioner can very well raise all her objections both on law and on facts before the second respondent. After all, the report, which is sought to be challenged is only a piece of evidence to be looked into by the authority concerned.

4.In such view of the matter, this Court is of the view that the writ petition cannot be entertained. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

5.However, taking into consideration the facts and circumstances of the case, the petitioner is directed to give explanation within two weeks from the date of receipt of a copy of this order. As and when the same is received, the authority concerned, who has got jurisdiction to decide the matter, shall decide it within a period of four weeks thereafter.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chairman,
Tamil Nadu State Level Scrutiny
Committee, Adi Dravidar and
Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai - 9.
- 2.The Director of Tribal Welfare Department,
Chepauk, Chennai - 5.
- 3.The Deputy Superintendent of Police,
Social Justice and Human Rights
Division, Vigilance Cell,
Chennai Zone, Chennai - 5.
- 4.The Anthropologist,
Member, District Level Vigilance
Committee, Department of
Anthropology,
University of Madras,
Chennai - 5.

+1cc to Government Pleader sR.No.44254
+1cc to Mr.S.Doraisamy, Advocate SR.No.47359

KK(CO)
sm:19.7.2018

W.P.No.16787 of 2018

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