

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.1792 of 2018 and
WMP No.2221 of 2018

M.Vadivelu

.... Petitioner

-vs-

1.The State Level Scrutiny Committee,
Rep. by its Chairman and Secretary to the Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai - 600 009.

2.The Assistant Commissioner of Police
Social Justice and Human Rights
SC/ST Vigilance Cell
No.263-B, IDPL Township
Nandambakkam, Chennai - 600 089.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents from conducting enquiry regarding the community certificate of the petitioner by re-opening the enquiry/re-verification in the light of the favourable orders already passed by the competent authority.

For Petitioner : Mr.Yogesh Kannadasan

For Respondents : Mr.V.Anandhamurthy
Addl.Govt.Pleader

O R D E R

[Order of the Court was made by
K.K.SASIDHARAN,J.]

The State Level Scrutiny Committee initiated proceedings to decide the correctness of the community status claim made by the

petitioner. The petitioner on receipt of the enquiry notice filed the writ petition to restrain the authorities from proceeding with the enquiry.

2. We have heard the learned counsel for the petitioner. We have also heard the learned Additional Government Pleader on behalf of the respondents.

3. The initiation of enquiry to decide the community status claimed by the petitioner is under challenge primarily on the ground that even before the constitution of the State Level Scrutiny Committee, the District Collector was pleased to issue a Community Certificate to the petitioner.

4. The contention is refuted by the Government by placing reliance on the Government Order in G.O.Ms.No.(2D) No.18 Adi Dravidar and Tribal Welfare Department dated 1 April 1997 forming a Committee in accordance with the judgment of the Hon'ble Supreme Court in Kumari Madhuri Patil v. Additional Commissioner, Tribal Development and others [(1994) 6 SCC 241].

5. The petitioner is placing reliance on the report submitted by the then Collector of Madras dated 31 July 1995 to substantiate his contention that the community certificate was earlier subjected to verification.

6. The verification process initiated by the Collector was not on the basis of the reference made to the Anthropologist. It was also not subjected to verification by the Vigilance Committee. There is a foolproof method now adopted by the Government pursuant to the judgment in Kumari Madhuri Patil (cited supra) to test the validity of the Certificate or the claim made by a party on the basis of his community certificate. The present proceedings were initiated only in accordance with the judgment of the Hon'ble Supreme Court and the relevant Order issued by the Government pursuant to the said judgment.

7. We are therefore of the view that the petitioner must face the enquiry proceedings initiated by the State Level Scrutiny Committee. It is open to the petitioner to produce materials before the Committee to substantiate his claim that he belongs to Konda Reddy Community. We hope that the State Level Scrutiny Committee also would give reasonable opportunity to the petitioner to explain his case.

8. The writ petition is dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

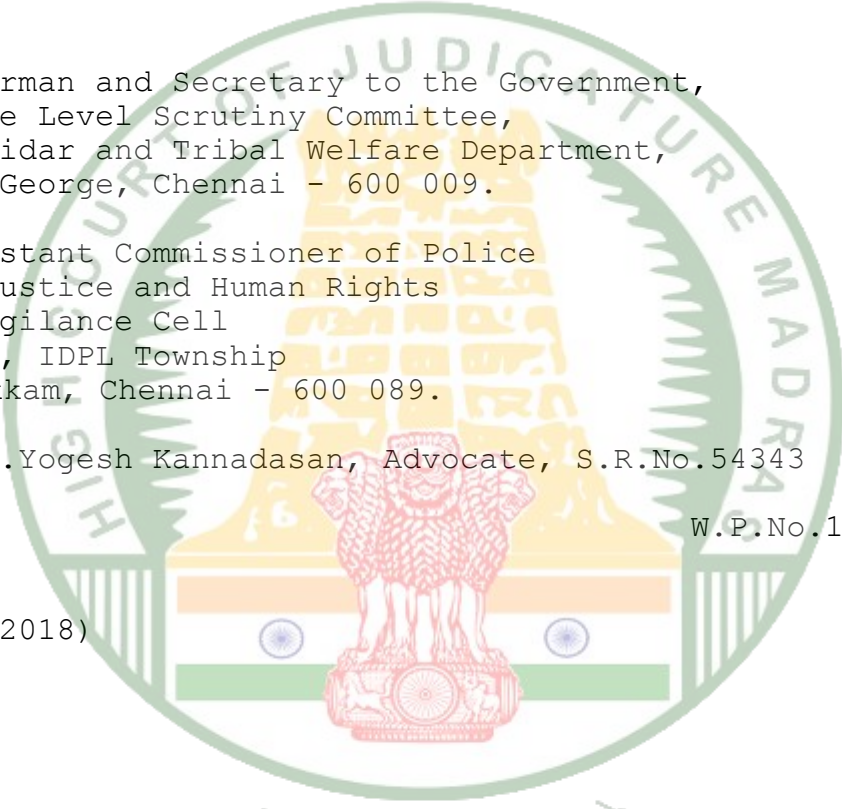
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+1cc to Mr.Yogesh Kannadasan, Advocate, S.R.No.54343

W.P.No.1792 of 2018

VSNII (CO)
GSP(05/09/2018)



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