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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

W.P (MD) No.566 of 2018

R.Balamurugan

.. Petitioner

Vs.

1.The District Collector cum Chairman,
District Level Scrutiny Committee
Adi Dravidar and Tribal Welfare,
Thirunelveli District.

2.The Revenue Divisional Officer,
Cheranmadevi, Thirunelveli District.

3.State of Tamil Nadu rep. by its Secretary,
Adi Thravidar Tribal Welfare Department,
St. George Fort, Chennai - 5.

[Third respondent is suo motu impleaded,
vide order, dated 11.01.2018]

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent in his proceedings in Pa.Mu.A.3/7070/15, dated 27.07.2017, quash the same as illegal and consequently direct the second respondent to issue the community certificate Hindu Kattunayakkan Schedule Tribe Community to the petitioner, namely, R.Balamurugan.

For Petitioner

: Mr.V.Palanichamy

For Respondents

: Mr.D.Muruganandam,
Additional Government Pleader.

ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.V.Palanichamy, learned counsel appearing for the petitioner as well as Mr.D.Muruganandam, learned Additional Government Pleader, appearing for the respondents.

2.The petitioner has filed this writ petition, challenging the order passed by the Sub Collector, Cheranmahadevi, Tirunelveli District, dated 20.07.2017, rejecting the petitioner's application, for grant of community certificate as Hindu Kattunayakkan.



3. During pendency of the writ petition, the petitioner has preferred an appeal to the District Level Vigilance Committee under the Chairmanship of the District Collector, Tirunelveli District, on 19.12.2017 and the same has been taken on file in B4/3219/2018.

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4. The learned counsel appearing for the petitioner submitted that recently, the Secretary to Government, Adi Dravidar and Tribal Welfare Department, Chennai, in Government Letter No.442/CV1/2016-1, dated 02.03.2016, taking note of the directions issued by a Division Bench in W.P(MD)Nos.30368 and 31973 of 2015, issued certain guidelines to be followed for issuance of community certificate. In terms of the said guidelines, certain procedures, have been laid down as to how the authorities should proceed with an application received for grant of community certificate.

5. It is submitted that the first respondent, while considering the appeal petition, shall take note of the above Government Letter and see that the procedures stipulated therein, are followed. The operative portion of the Government Letter reads as follows:

"I am to state in compliance with the orders of High Court, Madras in the reference third cited, a copy of the orders of High Court, Madras, in the reference second cited is hereby forwarded for strict compliance and also to inform you that in the reference second cited, the High Court, Madras has inter-alia directed the authorities to investigate identify and conduct the enquiry in the following manner:-

i. The authority competent to issue the community certificate, on receipt of the application, shall investigate the application in an open and transparent fashion, affording opportunity of hearing.

ii. The candidate shall have full liberty to explain the documents placed by him or collected by the investigating agency and he shall have opportunity to cross examine the witnesses, if required. The entire exercise shall be completed at the earliest, preferably, within a period of three months.

iii. On receipt of the community certificate issued by the competent authority, the candidate or any other party interested therein may refer the matter to the State Level Scrutiny Committee for verification.

iv. On receipt of the application for verification, the State Level Scrutiny Committee shall refer the matter to the Vigilance Cell for enquiry.

2. Hence, I am to request you to follow the above said directions scrupulously".

<https://hcservices.ecourts.gov.in/hcservices/>

6. In the light of the above, the writ petition stands disposed of, by directing the District Level Vigilance Committee



under the Chairmanship of the District Collector, Tirunelveli District, to consider the petitioner's appeal petition, dated 19.12.2017 in No.B4/3219/2018 and pass orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner. The appellate authority shall consider as to whether the procedures/guidelines issued by the Government in its letter, dated 02.03.2016, have been followed by the original authority and thereafter, take a decision on merits and in accordance with law. The above direction shall be complied with, within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

- 1.The Secretary,
Adi Thravidar Tribal Welfare Department,
Government of Tamil Nadu,
St. George Fort, Chennai - 5.
 - 2.The District Collector cum Chairman,
District Level Scrutiny Committee
Adi Dravidar and Tribal Welfare,
Thirunelveli District.
 - 3.The Revenue Divisional Officer,
Cheranmadevi, Thirunelveli District.
- +1cc to Mr.V.PALANICHAMY, Advocate, SR.49884
+1cc to M/S.Special Government Pleader, SR.50612

W.P (MD) No.566 of 2018
20.02.2018

SMN

KK/SV MMS/SAR 4/06.03.2018/ 3P- 6C/