



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.(MD) No.5855 of 2018

N.Kasi Reddiar

...Petitioner

Vs.

- 1.The Union of India,
represented by its Secretary to Government,
Ministry of Home,
North Block,
New Delhi-110001.
- 2.The State of Tamil Nadu,
represented by its Secretary to Government,
Secretariat,
St.George Fort,
Chennai-600 009.
- 3.The Central Bureau of Investigation,
Plot No.5-B, 6th Floor,
CGO Complex,
Lodhi Road,
Jawaharlal Nehru Stadium Marg,
New Delhi, Delhi - 110003.
- 4.The Central Bureau of Investigation,
D.No.1-83-21/4,
MVP Double Rd.,
Sector 8, MVP Colony,
Visakhapatnam,
Andhra Pradesh - 530017.
- 5.The Central Bureau of Investigation,
Shastri Nagar,
Adyar, Chennai,
Tamil Nadu - 600 020.
- 6.The Revenue Divisional Officer,
Usilampatti,
Madurai District.



7.R.Selvarajan

8.S.Nagalakshmi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 5 herein to initiate appropriate enquiry against the respondents 7 and 8 herein for obtaining the community certificate by them as "Tribe Konda Reddy Community" instead of "Hindu Reddy Kancham" within a stipulated time as fixed by this Court.

For Petitioner	:Mr.A.Saravanan
For Respondents	:Mr.D.Saravanan
	Central Government Standing Counsel for R.1
	: Mr.M.Jeyakumar
	Additional Government Pleader for R.2 and R.6
	: Mr.N.Nagendiran
	for CBI for R.3 to R.5
	: Mr.D.Sivaraman
	for R.7 and R.8

ORDER

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

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the respondents 1 to 5 to initiate appropriate enquiry against the respondents 7 and 8 for obtaining the community certificate by them as "Tribe Konda Reddy Community" instead of "Hindu Reddy Kancham" within a time frame.

2. It is the case of the petitioner that he is the son-in-law of one Lakshmi Ammal having married her daughter Kaliaammal. The said Lakshmi Ammal had another daughter by name Gangammal and the said Gangammal had married one Ramasamy. The seventh respondent is the son of the said Gangammal and Ramasamy and the eighth respondent is the daughter of the seventh respondent and the grand-daughter of Lakshmi Ammal. The eighth respondent is serving as an officer in Indian Administrative Service in the Andhra Pradesh cadre. Further it is the case of the petitioner that the respondents 7 and 8 had wrongly obtained the community certificate mentioning as "Tribe Konda Reddy Community" instead of "Hindu Reddy Kancham".

3. The learned Counsel appearing for the petitioner submitted that there are several civil disputes pending between the petitioner and the respondents 7 and 8. The learned Counsel further submitted that the petitioner had also applied for "Tribe Konda Reddy Community" certificate for his children and the same was rejected by



the authorities stating that he belongs to "Hindu Reddy Kancham". After the rejection of his application by the authorities, the petitioner has filed the present writ petition to settle the enmity with the respondents 7 and 8 for taking action against the respondents 7 and 8 and for producing the "Tribe Konda Reddy Community" certificate. Admittedly the petitioner is inimical towards the respondents 7 and 8 with regard to the property disputes.

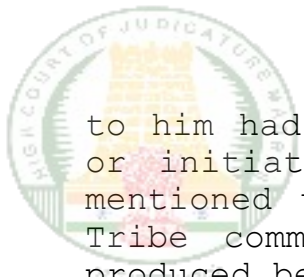
4. It is pertinent to note that the seventh respondent had filed a writ petition in W.P.No.13476 of 1998 to issue a Writ of Mandamus for the issuance of community certificate and this Court, by order dated 17.04.2002 allowed the writ petition. The relevant portion of the order passed in W.P.No.13476 of 1998 reads as follows:

"Appointing authorities have the right to verify the genuineness of the certificates by approaching the District Magistrate - Collector of the District or such other constituted authority and once the report is received that the certificate is genuine, thereafter the certificate holder cannot be further harassed to prove his caste/community in any other manner."

5. Applying the above provision, it appears that the present community certificate of the petitioner had already been verified. There was no occasion to reopen the proceedings or to initiate fresh proceedings. Similar views have been expressed by the learned Single Judge of this Court in W.P.No.19793 of 1992, dated 24.9.1999. Following the above said decisions of the Division Bench and the learned Single Judge, I quash the proceedings dated 20.7.1998 initiated against the petitioner and hold that the petitioner belongs to Schedule Tribe, as determined earlier. The writ petition is allowed. No costs. Consequently no order is necessary in W.M.P.No.20515 of 1998 and the same is closed."

5. Subsequently, the seventh respondent herein also filed another petition in W.P.No.41642 of 2002 for the issuance of community certificate and this Court by order dated 25.11.2002 directed the Revenue Divisional Officer, Usilampatti to issue the community certificate to the children of the seventh respondent herein as requested by him, in the light of the order dated 17.04.2002 passed in W.P.No.13476 of 1998.

6. In view of the orders passed in the above mentioned writ petitions, it is clear that this Court had given positive direction to the authority to issue the community certificate to the children of the seventh respondent. In W.P.No.14376 of 1998, this Court clearly observed that the seventh respondent belongs to the Scheduled Tribe community and that the community certificate issued



to him had already been verified and there was no reason to reopen or initiate fresh proceedings. After the disposal of the above mentioned two writ petitions, the authorities had issued Scheduled Tribe community certificate to the eighth respondent, which was produced before the authorities by the eighth respondent at the time of entering the Indian Administration Service. The authorities have not suspected the genuineness of the community certificate issued to the eighth respondent till this date.

7. When this Court had clearly held that there is no necessity to reopen or to initiate fresh proceedings with regard to the Scheduled Tribe community certificate issued to the seventh respondent, the filing of the present writ petition is clearly a vexatious one and has been filed only to harass the respondents 7 and 8. That apart, the filing of the present writ petition seeking for fresh enquiry with regard to the community certificate issued to the respondents 7 and 8 is against the order passed in W.P.Nos.13476 of 1998 and 41642 of 2002.

8. In paragraph No.6 of the affidavit filed in support of the writ petition, the petitioner has stated that he was issued with the certificate of "Hindu Reddy Kancham" community and the seventh respondent was issued with Scheduled Tribe community certificate and in view of the same, the relationship with the seventh respondent itself is being disputed by him and he also stated that the seventh respondent cannot claim any patta in respect of the family properties. The averments stated in the affidavit would only establish that in order to settle the personal enmity with the respondents 7 and 8, the present writ petition has been filed by the petitioner seeking for a direction to the official respondents to initiate action against them. Article 226 of the Constitution of India cannot be allowed to misuse by the petitioner to serve his purpose. The conduct of the petitioner would establish that the petitioner has filed the present writ petition to threaten the eighth respondent who is in the Indian Administrative Service forcing or pressurizing her to give up her right in the properties. Since the petitioner has filed the writ petition vexatiously, we are of the considered view that the writ petition has to be dismissed with exemplary costs. Accordingly, the writ petition is dismissed with costs of Rs.1,00,000/- (Rupees One Lakh only). The petitioner is directed to pay the said sum of Rs.1,00,000/- (Rupees One Lakh only) to the respondents 7 and 8 within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

/True Copy/



To

1.The Secretary to Government,
The Union of India,
Ministry of Home, North Block,
New Delhi-110001.

2.The Secretary to Government,
The State of Tamil Nadu,
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Adyar, Chennai,
Tamil Nadu - 600 020.

6.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

+2CC to Mr.A.Saravanan Advocate in SR.No.75184.

+1CC to Mr.D.Saravanan Advocate in SR.No.75188.

+1CC to Mr.D.Sivaraman Advocate in SR.No.75497.

+1CC to The Special Government Pleader in SR.No.75497.

SSL

DS/RP/SAR-2 :30.07.2018: 5P/12C

W.P. (MD) No.5855 of 2018
26.07.2018