

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10472 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner aggrieved of the inaction of the 2nd respondent in passing orders, as per the provision of Rule 9(7) of A.P. (S.C., S.T. & B.Cs.) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, with regard to cancellation of S.T. Certificate obtained by the 5th respondent despite recommendations submitted by the District Level Scrutiny Committee, East Godavari District, at Kakinada/3rd respondent herein, *vide* Proceedings in Ref.No.C5(M)254/2012, dated 19.09.2012, to the District Collector, East Godavari District, at Kakinada/2nd respondent herein.

2. I have heard the submissions of Sri *K.Venkatesh*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Tribal Welfare (A.P.), appearing for the respondents 1 to 4. I have perused the material record.

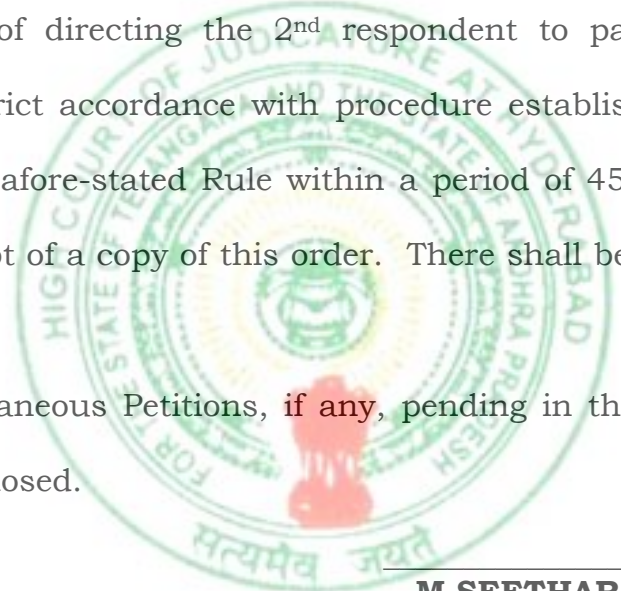
3. Learned counsel for the petitioner would submit that pursuant to the report of the District Level Scrutiny Committee, East Godavari District, at Kakinada/3rd respondent, the District Collector, East Godavari District, at Kakinada/2nd respondent herein, ought to have passed orders as per the afore-stated Rule, by following the procedure established by law, but the 2nd respondent has not passed any orders despite lapse of more than five years and, hence, the writ petition is filed. He would further submit that the 5th respondent has not initiated any action being aggrieved of the report of the 3rd respondent and that the remedy, if any, open to

the 5th respondent is to assail the orders of the District Collector, which the Collector may eventually pass based on the report of the 3rd respondent.

4. Learned Government Pleader for Tribal Welfare submits that he already instructed the official respondents to furnish necessary instructions for drafting a counter and filing the same before this Court, but no instructions are furnished to him and he, therefore, submits that the writ petition may be considered on its merit.

5. Having regard to the facts and submissions, the Writ Petition is disposed of directing the 2nd respondent to pass appropriate orders, in strict accordance with procedure established by law, in terms of the afore-stated Rule within a period of 45 days from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.



M.SEETHARAMA MURTI, J

Date: 24th April, 2018

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