

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28033 OF 2018

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 3rd respondent in not following Section 41 A of Cr.P.C. as per the verdict of Apex Court in ***Arnesh Kumar v. State of Bihar*** while investigating the matter in FIR No.527 of 2018, dated 21.07.2018 registered under Section 479, 406, 420 IPC, as illegal and arbitrary.

Heard both sides.

In view of the facts and circumstances, the writ petition is disposed of directing the respondents to follow the guidelines

This writ petition is filed challenging the action of the 3rd respondent in not considering the application submitted by the petitioner through Mee Seva, dated 07.07.2018, for issuance of the digital caste certificate.

Learned counsel for the petitioner as well as learned Assistant Government Pleader accepts that the issue involved in this writ petition, relating to digital copy of the certificate, is similar to WP.No.23764 of 2013, which was disposed of by this Court on 21.08.2013.

In the case on hand also, petitioner rely upon certificate granted to her by the Tahasildar, Mahadevpur Mandal, Karimnagar

District, bearing Certificate No.C/292/2010 under village Code No.0029.

In view of the above, there shall be a similar direction as in the above writ petition which is as follows;

Since the Community, Nativity and Date of Birth Certificate issued by the Tahasildar, Mahadevpur, is admittedly still in force, the respondents shall within two days from the date of receipt of a copy of this order furnish the petitioner digital copy of the said certificate. It is made clear that this order shall not preclude the respondents from initiating action under Section 5 of the Andhra Pradesh/Telangana (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and Rules, 1997 (*for short 'the Act'*) for cancellation of the caste certificate in favour of the petitioner, if they are of the view that the said caste certificate is false.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

08.08.2018

Note: Issue CC by 09.08.2018

B/o.t k.