

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.38092 OF 2018

Date:25.10.2018

Between:

Kathi David Raju, S/o. Late Yedukondalu,
Aged about 44 years, Occ: Assistant Engineer,
SDSTPS, R/o. Q.No.E1-11, Pinakini Colony,
Nelaturu Village, Muthukuru Mandal,
SRSP Nellore District

.. Petitioner

And

Muthayapalem Gram Panchayat, rep.,
by its Panchayat Secretary, Bapatla
Mandal, Guntur District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.38092 OF 2018****ORDER:**

Heard.

2. Petitioner claims that his father, by name, Late Kathi Yedukondalu was a rodent catcher and paddy field watcher belonging to Yanadi Scheduled Tribe Community. He died on 22.02.1996 at Bodapadu Village, Amarthaluru Mandal, Guntur District. The death certificate evidencing death of father of petitioner was given by the Tahsildar, Amarthaluru Mandal. While so, according to petitioner, respondent No.8, representing a fake association, by name, 'Nangarabheri Lambada Porata Hakkula Samithi', complained that the death certificate of father of petitioner is not valid; petitioner does not belong to Yanadi Scheduled Tribe; his father's name is Urumulaiaha and date of his death was 21.01.2015, which was registered on 31.01.2015 in the office of respondent No.1 – Muthayapalem Gram Panchayat and therefore, by claiming false death certificate, petitioner secured Scheduled Tribe category certificate.

3. In this Writ Petition, petitioner prays that issuance of death certificate, dated 01.03.2016, in the name of Kathi Yedukondalu, son of Urumulaiah, Kankadri Nagar, Muthayapalem Gram Panchayat, Bapatla Mandal, Guntur District, stating the date of death as 21.01.2015, should be declared as illegal.

4. According to learned counsel for petitioner, father of petitioner is Kathi Yedukondalu, whose father is Venkata Swamy,

and therefore, the claim of respondent No.8, based on which, conducting enquiry of social status is not valid and also the claim of respondent No.8 i.e., based on the death certificate issued on 01.03.2016 itself is not valid.

5. As briefly noted above, there are two aspects in this Writ Petition, (i) whether petitioner belongs to Scheduled Tribe Community and (ii) whether the death certificate dated 01.03.2016 is valid.

6. It appears from the material on record that the District Collector issued notice on 22.09.2018 calling upon the petitioner to show cause as to why the Scheduled Tribe certificate issued to him should not be cancelled. Pursuant thereto, petitioner submitted his explanation stating his stand and denying the allegations of respondent No.8 that a false death certificate was obtained by him. According to the learned counsel for petitioner, though petitioner submitted his explanation, so far no orders are passed by the District Collector on the explanation offered by him.

7. As noted above, there are two different aspects. One is with reference to social status of petitioner and it is alleged that he obtained social status by producing bogus death certificate of his father issued by the Tahsildar, Amarthaluru Mandal, and another is with regard to the validity of the death certificate issued on 01.03.2016 holding that one Kathi Yedukondalu, son of Urumulaiah belonging to Muthayapalem Gram Panchayat died on 21.01.2015.

8. According to petitioner, his father is Kathi Yedukondalu, son of Venkata Swamy. To prove the issue of social status, petitioner has to prove the death of his father and father's social status and for that purpose, he has to place necessary documentary evidence before the District Collector. It is always open to petitioner to place all material in support of his claim before the District Collector and also to show that he belongs to Yanadi Scheduled Tribe Community.

9. Since petitioner has already filed his explanation to the show cause notice issued by the District Collector and as stated by learned counsel for petitioner, he has raised all the contentions as urged in the Writ Petition, he may have a grievance only if an adverse decision is taken by the competent authority without appreciating the stand of petitioner as contended by him in his explanation, and in such a case, petitioner can work out his remedies as available in law. At present, it is only the show cause notice issued to him based on a complaint made by respondent No.8, wherein respondent No.8 claimed that name of father of petitioner is not the same as claimed by petitioner, but some other name, and that his father died later and that cannot be a ground for this Court to entertain this Writ Petition and give a declaration as sought for by the petitioner.

10. As regards the other issue, as to whether the certificate dated 01.03.2016 stating that Kathi Ydukondalu son of Urumulaiah, Kankadri Nagar, died on 21.01.2015, was false or not has no relevance insofar as the claim of petitioner is concerned. On the question of death of Kathi Yedukondalu, son of Urumulaiah

belonging to Muthayapalem Gram Panchayat, *vide* death certificate dated 01.03.2016, the Writ Petition cannot be maintained.

11. Subject to the observations made above, the Writ Petition is dismissed. Pending Miscellaneous Petitions, if any, shall stand closed. No order as to costs.

P. NAVEEN RAO, J

Date:25.10.2018

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