

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.36659 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“To issue an appropriate Writ Order or Direction preferably Writ in the nature of Mandamus;

(i) declaring the order issued by the District Collector in Ref.(M) Rc.No.876/2014/C5 dated 20.4.2017 as illegal, arbitrary and violative of Sections 4 and 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No.16 of 1993) read with Rules 5, specifically Rule 5 (i) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules 1997 and set aside the same by declaring the same is void ab initio.

(ii) declare the Report of the Sub-Collector & Sub-Divisional Magistrate, Parvathipuram in R.Dis.No.1506/2013-D dated 29.3.2014 by declaring the said authority has no competence for declaring of Community of any individual and issuance of Community Certificate in favour of 5th respondent as same is running contrary to Act 16/93 and Rules made thereunder.

(iii) consequently cancel the Community Certificate dated 12.4.2014 issued in favour of the 5th respondent as illegal, arbitrary and unsustainable in the eye of law and running contrary to the scheme under the Act No.16/93 and Rules made thereunder”.

2. Heard Sri A.Satyaprasad, learned senior counsel appearing for the learned counsel for the petitioner on record and the learned Government Pleader for Social Welfare for Respondents 1 to 4 and Sri Rangadas Kanuri, learned counsel for Respondent No.5.

3. Since statutory appeal is pending consideration before the State Government, this Court does not propose to go into various details in the writ petition in detail.

4. The District Collector, Vizianagaram-2nd respondent passed an order in proceedings (M) RC.No.876/2014/C5 dated 20.4.2017, refusing to interfere with the orders of the Sub-Collector dated 29.3.2014 issued vide proceedings R.Dis.No.1506/2013 and also the caste certificate issued in favour of the unofficial respondent herein by the Sub-Collector, Parvathipuram vide Certificate No.CGC0213435804 dated 12.4.2014. Aggrieved by the said order passed by the District Collector, the petitioner herein preferred statutory appeal before the State Government-1st respondent herein under Sections 7(2) and 7(4) and Rules 11 and 12 of A.P. (Scheduled Caste, Scheduled Tribe, Backward Classes) Regulation of Issue of Community Certificates Act, 1993 and Rules 1997. The only grievance of the petitioner in the present writ petition is inaction on the part of the 1st respondent in passing any orders on the said appeal filed by him on 17.5.2017.

5. Having heard the learned counsel for the petitioner, learned Government Pleader appearing for Respondents 1 to 4 and the learned counsel appearing for unofficial respondent and having regard to the nature of controversy, this Court deems it appropriate to dispose of the present writ petition with a direction to the 1st respondent-State Government to pass appropriate orders on the appeal dated 17.5.2017 within a period of four months from the date of receipt of a copy of this order, strictly in accordance with law, after affording opportunity to all the stakeholders.

6. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 30.1.2018
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A.V.SESHA SAI, J



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W.P.No.36659 of 2017



30.1.2018

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