

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON: 28.08.2019

ORDERS PRONOUNCED ON :5.9.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.6660 OF 2019

AND

W.M.P.NOS.7485 AND 7486 OF 2019

K.Ranganathan

.. Petitioner

Vs.

1. The Director,
Tribal Welfare Department,
Chepauk,
Chennai-600 005.
2. The Revenue Divisional Officer,
Mettur,
Salem District.
3. The Assistant Commissioner of Police,
Social Justice and Human Rights Unit,
Line Medu,
Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records of the first respondent notice Na.Ka.No.PaMe/AA1/3510/2017, dated 28.11.2018, enquiry report of the second respondent C.Pa.19/2018(D), dated 21.08.2018 and report of the third respondent C.No.61/ACP/SJHR/Salem City/2017, dated 20.11.2018 and quash the same and direct the second and third respondents to conduct the re-enquiry re-verify petitioner's Community Certificate in the light of the guidelines issued in the case of Kumari Madhuri Patil reported in 1994 (6) SCC 241 and G.O.Ms.No.106, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 15.10.2012.

For petitioner : Mr.N.Naganathan
For respondents : Mr.V.Shanmuga Sundar, Spl.G.P.

ORDER

R.SUBBIAH, J

The petitioner has come forward with the present Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records of the first respondent notice Na.Ka.No.PaMe/AA1/3510/2017, dated 28.11.2018, enquiry report of the second respondent C.Pa.19/2018(D), dated 21.08.2018 and report of the third respondent C.No.61/ACP/SJHR/Salem City/2017, dated 20.11.2018 and quash the same and direct the second and third respondents to conduct the re-enquiry / re-verify the petitioner's Community Certificate in the light of the guidelines issued in the case of Kumari Madhuri Patil reported in 1994 (6) SCC 241 and G.O.Ms.No.106, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 15.10.2012.

2. Heard both sides and perused the materials available on record.

3. The challenge in this Writ Petition is only a Memorandum issued by the first respondent calling upon the petitioner to submit his explanation with respect to the enquiry commenced by the respondents with regard to the genuineness of the Community Certificate issued to him. It is evident that what is challenged in this writ petition is only a Memorandum calling upon the petitioner to put-forth his objections, if any. Such a Memorandum has been issued to the petitioner in compliance of the principles of natural justice, so as to afford an opportunity of personal hearing to the petitioner to come forward with his defence, if any, to the order proposed to be passed by the respondents. Therefore, by virtue of the Memorandum, which is impugned in this Writ Petition, no final decision has been taken by the respondents much to the chagrin of the petitioner. In such view of the matter, interference of this Court is not warranted at this stage. The Writ Petition is therefore pre-mature and this Court cannot delve into the matter at this stage. Hence, the Writ Petition cannot be entertained and it is liable to be dismissed. The petitioner shall co-operate in the enquiry proceedings initiated by the respondent (s). If the petitioner fails to co-operate in the said proceedings, the respondent(s) shall proceed with the enquiry based on the available documents.

4. With the above observations, the Writ Petition is dismissed. No costs. Consequently, W.M.Ps. are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Director, Tribal Welfare Department,
Chepauk, Chennai-600 005.
2. The Revenue Divisional Officer, Mettur, Salem District.
3. The Assistant Commissioner of Police,
Social Justice and Human Rights Unit,
Line Medu, Salem District.

+1cc to Mr.N.Naganathan, Advocate, S.R.No.77289

+1cc to the Government Pleader, S.R.No.77731

W.P.No.6660 of 2019

EV(CO)
CS/25/10/2019



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