



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD) .No.20939 of 2015 and
MP(MD) .Nos.1 and 2 of 2015

M.Shanthi

: Petitioner

-Vs-

1.The Chairman,
State Level Security committee,
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Chennai - 600 009.

2.The District Collector,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
Madurai,
Madurai District.

4.The Postmaster General,
Southern Region,
Madurai - 625 002

5.The Senior Superintendant of Post Offices,
Madurai Division,
Madurai- 625 002.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 1st respondent vide proceedings Ref.No.14309/CVIII/2009, dated 16.11.2015, quash the same and consequently, direct the first respondent to issue a valid Kattunayakan Community Certificate to the petitioner.

For petitioner : Mr.Niranjan S. Kumar

For R1 to R3 : Mr. V.R. Shanmuganathan

<https://hcservices.ecourts.gov.in/hcservices/>

Special Government Pleader

For R4 and R5 : Mr. R. Nandakumar

**ORDER**

(Order of this Court was made by **K.KALYANASUNDARAM, J.,**)

This Writ Petition has been filed for issuance of Writ Certiorarified Mandamus to quash the order of the first respondent, dated 16.11.2015, in and by which, it has been held that the Community Certificate issued in favour of the petitioner as Hindu Kattunayakan Scheduled Tribe Community is not genuine and further direction is given to the District Collector to cancel the certificate.

2. Heard Mr. Niranjana S.Kumar, learned counsel appearing for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.R.Nandakumar, learned counsel appearing for the respondents 4 and 5.

3. Though the order impugned in the Writ Petition has been challenged on various grounds, in ground "d" it is stated that non furnishing the report of the Vigilance Cell would vitiate the entire proceedings.

4. In the counter filed on behalf of the respondents, it is admitted that the report of the SC/ST Vigilance Cell was not served on the petitioner for offering the petitioner's explanations as per the guidelines in Judgment report in **1994(5) SC 488**.

5. In the light of the above fact, the impugned order is liable to be set aside on the sole ground of failure in furnishing the vigilance report and it is set aside and the matter is remanded back to the first respondent for consideration and to pass orders afresh. The first respondent shall furnish the report of the Vigilance Cell, Madurai, to the petitioner within a period of two weeks from the date of receipt of a copy this order. On such receipt, the petitioner shall offer her explanation within a period of four weeks therefrom and thereafter, the first respondent shall pass orders on merits and in accordance with law. It is made clear that the petitioner is entitled to raise all her contentions before the first respondent.

6. With the above observations and directions, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
<https://hcservices.ecourts.gov.in/hcservices/>

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Madurai- 625 002

+1cc to Mr.Niranjana S. Kumar,Advocate, SR.No.52025

+1cc to Mr.R. Nandakumar,Advocate, SR.No.52403

+1cc to Special Government Pleader, SR.No.52273

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SP/25.03.2019/ 3P/9C

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