

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 29637 OF 2013
and
M.P.NOs. 1 & 2 of 2013

Tamilnadu Tribal People's Federation
rep. by its State President
V.Murugesan,
42 to Majid Street, Pappireddipatti,
Dharmapuri District,
Tamil Nadu-636 905.

.. Petitioner

- Vs -

- 1.State of Tamil Nadu
rep. by its Chief Secretary,
Secretariat, Chennai 600 009.
- 2.Tmt. Kannegi Packianathan
Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai 9.
- 3.Alagu Paramasivam,
Tamil Nadu (Scheduled Tribes)
Kattunayakkan Samooga Seethirutha Sangam,
Nagapattinam.
- 4.K.Ponnusamy,
Tamil Nadu (Scheduled Tribes)
Kattunayakkan Samooga Seethirutha Sangam,
Tirunelveli District.

- 5.A.Chinniah,
Tamil Nadu (Scheduled Tribes)
Kattunayakkan Samooga Seethirutha Sangam,
Pudukkottai.

.. Respondents

(R3 to R5 suomoto imploded as per order dated 4 /11/013)

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified Mandamus, calling for the records pertaining to Lr No.4488/CV-1/2013-2 dated 03.05.2013 passed by the second respondent and to

quash the same and direct the 1st respondent to appoint another official in the post of Chairman of State Level Scrutiny Committee and further the certificates scrutinized and verified by the second respondent and direct Re-scrutinization of the said certificate under the Chairmanship of newly appointed Chairman of State Level Scrutiny Committee.

For Petitioner :M/S. R.Rajesh Kumar

For Respondents:Mr. A.N.Thambidurai,Spl.G.P.For RR1 & 2
:M/S. S.Sathiamurthi for RR3 to 5

ORDER

The case of the petitioner is that the petitioner is a Malayali, belonging to Scheduled Tribe community. Aggrieved by the second respondent's impugned order, wherein the 2nd respondent, has appointed private respondents as Anthropologist, the petitioner made a representation through his federation letter dated 20.08.2013 but no action was forthcoming. Challenging the second respondent's, Anthropologist appointment, the present writ petition is filed with the above said prayer.

2.Learned counsel appearing for the petitioner submitted that while entertaining the writ petition, this Court, suo motoimpleaded the beneficiaries as private respondents 3 to 5 by an order dated 04.11.2013 and their appointments were stayed and their services were not engaged by the Government and subsequently another G.O. was passed and, hence, nothing survives in this petition.

3. Learned Special Government Pleader appearing on behalf of the 1st and 2nd respondents, on instructions, submitted that after filing the writ petition, another G.O.Ms.No.263 was issued in the year 2017, for the engagement of Anthropologist. In view of the subsequent Government Order, this writ petition becomes infructuous. It is further submitted that on 3.5.2013 itself, a Circular was issued to all the District Collectors concerned, stating that only the concerned District Collectors have the power to engage the Anthropologists.

4.This Court heard the submissions made by either side learned counsel and perused the materials available on record.

5. A perusal of records reveal that a five-member team was formed by the Government Order in G.O.Ms.No.240, dated 27.6.2012 to have a spot inspection in relation to ascertaining the community of an individual and to file a report. However by the impugned order dated 3.5.2013, the three Associations namely the respondents 3 to 5, have been included in the team and the

said committee has not submitted any report. However, the writ petitioner's Association had sent representation dated 2.8.2013 to the first respondent, aggrieved by the above appointments and since there was no response, the present petition has been filed.

6. It is fairly conceded before this Court that pursuant to the filing of the petition, G.O. Ms. No.263 had been issued by the Government prescribing that anthropologist alone can assist the concerned authority in finalising and sending the report and, that power had been vested with the District Collectors concerned to engage the service of anthropologists. Further, pursuant to the filing of the writ petition, the second respondent's proceeding having been kept in abeyance and is not in subsistence, nothing survives for further adjudication as the relief sought for has become infructuous.

7. Accordingly the present petition is dismissed as infructuous. However, there shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs

To

1.State of Tamil Nadu
rep. by its Chief Secretary,
Secretariat, Chennai 600 009.

2.Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai 9.

+1 cc to The Government Pleader, Sr.No. 25873

SKS (CO)
RMP (31/08/2020)

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