



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD) No.14784 of 2020

and

W.M.P. (MD) No.12442 of 2020

Ramar

: Petitioner

Vs.

1.The Chairman,

State Level Scrutiny Committee II,
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare (CV3) Department,
Secretariat, Chennai.

2.The Chairman,

District Level Scrutiny Committee /
District Collector,
Adi Dravidar and Tribal Welfare (CV3) Department,
Dindigul District,
Dindigul.

3.The District Adi Dravidar and Tribal Welfare Officer,
Collectorate Office,
Dindigul.

4.The District Revenue Officer,
Dindigul District, Dindigul.

5.The Tahsildar,

Nilakottai Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the proceedings of the second respondent in Na.Ka.No.5705/2016/H.1 dated 25.02.2020 and the consequential impugned proceedings passed by the third respondent in Na.Ka.No.5705/2016/H.1 dated 06.03.2020 and quash the same as illegal and to direct the respondents to provide Hindu Malaivedan Community Certificate to the petitioner's children and grand children within a stipulated time limit.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader



ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The petitioner has challenged the order passed by the District Level Scrutiny Committee, in and by which, the petitioner's claim for issuance of Hindu Malaivedan Community Certificate came to be rejected.

2. The petitioner contends that he belongs to Hindu Malaivedan Community and has applied for Community Certificate for his children stating that they belong to Malaivedan Community. He alleges that his brother's children have already got Malaivedan Community Certificate, however, the representation given by the petitioner seeking Malaivedan Community Certificate was rejected by the revenue authorities. Aggrieved, the petitioner filed an appeal before the District Level Scrutiny Committee and the same was also rejected on 25.02.2020. The said order is being challenged before this Court.

3. Heard Mr.M.Jerin Mathew, learned Counsel for the petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader who took notice for the respondents.

4. Even in the earlier writ petition filed by the petitioner in W.P.(MD)No.772 of 2020, seeking a Writ of Mandamus directing the District Level Scrutiny Committee to pass final orders in the appeal filed by him dated 24.02.2016, it has been categorically stated since the petitioner's appeal has been rejected on 25.02.2020, this Court, by order dated 01.09.2020, gave liberty to the petitioner to challenge the proceedings of the District Level Scrutiny Committee, in accordance with law.

5. For better appreciation, the operative portion of the order dated 01.09.2020, is extracted as follows:

"3. The proceedings of the Dindigul District Scrutiny Committee, dated 25.02.2020, are taken on file and record.

4. In the light of the said development, nothing remains for further adjudication in this writ petition and therefore, it is dismissed as infructuous. However, the petitioner is at liberty to challenge the proceedings of the Dindigul District Scrutiny Committee, dated 25.02.2020 in accordance with law, before the competent Forum. No costs."

6. From the above, it is clear that the petitioner has to approach only the State Level Scrutiny Committee, which is the competent authority to hear the appeal against the order passed by the District Level Scrutiny Committee. Without doing so, the petitioner has approached this Court again. The State Level Scrutiny Committee alone is competent to go into the facts of the case and decide as to whether the petitioner belongs to Malaivedan Community or not.



7. Therefore, this writ petition is dismissed, with liberty to the petitioner to file an appeal before the State Level Scrutiny Committee, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed, the appellate authority is to take it on file and decide the matter on its own merits and in accordance with law, at the earliest. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gk

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Chairman,State Level Scrutiny Committee II,
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare (CV3) Department,
Secretariat, Chennai.
- 2.The Chairman,
District Level Scrutiny Committee / District Collector,
Adi Dravidar and Tribal Welfare (CV3) Department,
Dindigul District,Dindigul.
- 3.The District Adi Dravidar and Tribal Welfare Officer,
Collectorate Office, Dindigul.
- 4.The District Revenue Officer,Dindigul District, Dindigul.
- 5.The Tahsildar,Nilakottai Taluk,Dindigul District.

+1 CC to M/s.GP (SR-20727[F] dated 29/10/2020)

W.P. (MD) No.14784 of 2020
28.10.2020

SS (CO)

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

AP (09/11/2020) 3P 7C