



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.7379 of 2018

and

Crl.M.P No.3831 of 2018

R.Moorthy

...Petitioner

Vs.

State Rep. by
The Deputy Superintendent of Police,
Social Justice and Human Rights Unit,
Office of the Vigilance Cell,
Erode.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records of the enquiry summon dated 01.02.2018 pending on the file of the respondent herein and quash the same as illegal and without jurisdiction.

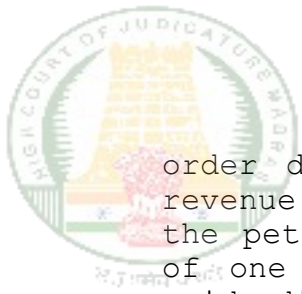
For Petitioners : Mr.L.Chandrakumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

Seeking to quash the enquiry summons dated 01.02.2018 issued by the respondent, the petitioner has filed this Original Petition.

2. The issue lies on a very narrow compass. When a Community Certificate was issued by the competent authority whether the respondent/an authority of Social Justice and Human Rights Unit, Office of the Vigilance Cell, Erode has right to question the veracity of the same or not, is the issue involved in this case. The petitioner was issued with the community certificate dated 05.03.1996 by the Revenue Divisional Officer, Erode that the petitioner belongs to Konda Reddy Community. The said community certificate was cancelled by the Revenue Divisional Officer on 08.08.1996. Challenging the said cancellation of the order, the petitioner filed a Writ Petition before this Court in W.P.No.19115 of 1996. This Court, by an



order dated 14.07.1998, has given a positive direction to the revenue officials to issue a permanent community certificate to the petitioner without raising any other issues within a period of one month. Since the respondent failed to comply with the said direction of this Court, the petitioner initiated the contempt proceedings against the revenue officials. During the pendency of the contempt proceedings, the respondent complied with the direction of this Court and issued permanent community certificate to the petitioner on 08.09.1998. After a lapse of merely two decades, the respondent sought the genuineness of the said certificate and issued impugned summons dated 01.02.2018 directing the petitioner to appear before the revenue officials. It is the said summons which is challenging in the present original petition.

3. Heard the learned counsel on either side and perused the materials available on record.

4. There is no doubt that the petitioner was issued community certificate by the competent revenue officials. Such certificate is not questioned by the other employer or any other Government officials. The respondent has no jurisdiction to issue the summons and seek to verify the genuineness of the community certificate issued by the competent authorities.

5. The learned Government Advocate (Crl. side) submitted that no complaint has so far received against the petitioner from any quarters. Therefore, this Court has no hold that the summons issued by the respondent is bad in law and the same has to be quashed.

6. In the result, the summon dated 01.02.2018 on the file of the Deputy Superintendent of Police, Social Justice and Human Rights Unit, Office of the Vigilance Cell, Erode is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rli



To

1. The Deputy Superintendent of Police,
Social Justice and Human Rights Unit,
Office of the Vigilance Cell,
Erode.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Naganathan, Advocate, S.R.No.45786

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NRL[co]
NSK 17/11/2021