



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.5178 of 2021

Nirguna

... Petitioner

.Vs.

1. The Chairman ,
The State Level Scrutiny Committee,
The Additional Secretary to Government,
The Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600 009.
2. The District Collector,
The Office of the District Collectorate,
Krishnagiri Taluk and District.
3. C.Lakshmi Naga Shangar
4. The Secretary,
The Government of Tamilnadu,
The Revenue Department,
Fort St.George, Chennai - 600 009.

... Respondents

(R4 suo motu impleaded vide order
dated 25.6.2021)

PRAYER:- Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 2nd respondent to take action as per Letter No.544/Saa.Mea-3/2021-1, dated 18.01.2021 on the file of the 1st Respondent on the basis of the representation dated 04.01.2021.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.P.Muthukumar
Counsel for the State
For respondents 1, 2 and 4

: No appearance
For 3rd respondent



ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner complains that one C.Lakshmi Naga Shangar had not produced his appropriate community certificate at the time of the 2019 panchayat election. The relevant person submitted an application by stating that he belonged to the Kurichan (ST) community.

2. The petitioner claims that the relevant person does not belong to the Kurichan (ST) community, but belongs, instead, to Vakkaligar (BC) community. The grievance in the petition is that such representation has not been considered.

3. Mr.P.Muthukumar, appearing on behalf of the State, takes notice on behalf of first and second respondents.

4. The petitioner is permitted to carry a fresh representation to the first respondent Chairperson of the State Level Scrutiny Committee pertaining to, inter alia, Scheduled Tribes. Such representation may be lodged with the first respondent within two weeks from date.

5. The first respondent will conduct an inquiry, if not already done, and give an opportunity of hearing to all who may be affected by his order, including to the petitioner and to the third respondent, before passing a speaking order within ten weeks of the receipt of the petitioner's representation. It is made clear that the existing scheme for dealing with such matters has to be followed in letter and spirit.

6. Since no prejudice is caused to the third respondent by the present order and the first respondent has been required to afford an opportunity of hearing to the third respondent, this petition is disposed of without further reference to the third respondent.

W.P.No.5178 of 2021 is disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

bbr



To

1. The Chairman,
The State Level Scrutiny Committee,
The Additional Secretary to Government,
The Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600 009.
2. The District Collector,
The Office of the District Collectorate,
Krishnagiri Taluk and District.
3. The Secretary,
The Government of Tamilnadu,
The Revenue Department,
Fort St.George, Chennai - 600 009.

+lcc to Mr.D.Veerasekaran, Advocate, S.R.No.39128

+lcc to the Government Pleader, S.R.No.39123

W.P.NO.5178 OF 2021

AK-II (CO)
PBS/10/08/2021