



WEB COPY

Cont. P.No.468 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.11.2021

DELIVERED ON : 23.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

Cont.P.No.468 of 2021
in
W.P. No.17970 of 2020

1. K. Shanmugasundaram
2. K. Mullaiventhan
3. S. Nimal Adithya
4. S. Sudeeksha
5. M. Kabilan
6. M. Nanda Varshini
All are residing at
Sekkarapatti Village,
Kadayampatti Taluk,
Salem District

... Petitioners

Vs.

V. Saravanan, I.A.S.
Revenue Divisional Officer/Sub Collector,
Mettur, Salem District

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondent for the wilful disobedience of the orders of this Hon'ble Court passed in W.P. No.17970 of 2020 dated 10.12.2020 under the provisions of Contempt of Courts Act.



Cont. P.No.468 of 2021

For Petitioners : Mr.S. Doraiswamy
For Respondent : Mr.V. Veluchamy
Additional Government Pleader.

ORDER

Order of the Court was made by R.HEMALATHA, J.

The matter in issue pertains to the issuance of Hindu-Kurumans Schedule Tribe community certificate in favour of the petitioners 3 to 6. The Division Bench of this Court, vide orders dated 10.12.2020, in W.P. No.17970 of 2020, had observed as follows:

"5. This Court, in the facts and circumstances, without going into the merits of the claim projected by the petitioners in this writ petition, directs the respondent to take into consideration the proceedings of the Tamil Nadu State Level Scrutiny Committee-III, dated 22.08.2019 and 21.10.2019, and dispose of the application, dated 18.11.2019, submitted by the petitioners, in accordance with law, as expeditiously as possible not later than eight weeks, from the date of receipt of a copy of this order, and communicate the decision taken to the petitioners."



2. Mr.S. Doraiswamy, the learned counsel for the petitioners, contended that though the Division Bench of this Court had directed the Revenue Divisional Officer, Mettur, Salem, to take into consideration the proceedings of the Tamil Nadu State Level Scrutiny Committee-III, dated 22.08.2019 and 21.10.2019, and dispose the application of the petitioners, the respondent in utter disobedience of the orders passed by this Court, conducted an independent discreet enquiry and held that the first petitioner does not belong to Kurumans (ST) community and that he belongs to Kurumba community which comes under MBC category. According to the learned counsel for the petitioners, the respondent by making a discreet enquiry instead of simply taking "into consideration" the orders dated 22.08.2019 and 21.10.2019 passed by the Tamil Nadu State Level Scrutiny Committee-III, had disobeyed this Court's order and invited action under contempt of court.

3. However, the affidavit of the respondent clarifies the status of the petitioners. According to the respondent, the community certificates already issued to the first and second petitioners were erroneous. In fact, the respondent had owned up the fault of the Tahsildar, Omalur, who issued the community certificate No.31936 on 18.08.1988 to the first petitioner. It is further stated that a thorough enquiry into the status of the other relatives of



the petitioners revealed that there was no one belonging to the said community in the village/locality, where the present petitioners are living.

4. The order passed by the respondent was communicated to the petitioners. A proposal to reconsider the proceedings of the State Level Scrutiny Committee also has been sent to them in the light of the new findings. In the circumstances, the petitioners can work out their remedy as against the said orders, if so advised. This Court had directed the respondent only to take into consideration the proceedings of the Tamil Nadu State Level Scrutiny Committee-III, dated 22.08.2019 and 21.10.2019. Therefore, there is no wilful disobedience of the orders by the respondent.

In view of the above, this Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

bga

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/11/01/2022

To

The Revenue Divisional Officer/Sub Collector,
Mettur, Salem District