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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.20168 OF 2021
AND
WMP.NO.21435 OF 2021

M.Gnanasekaran

.. Petitioner

Versus

1.The Chairman,
State Level Scrutiny Committee II,
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai 600 005.

3.The Deputy Superintendent of Police,
Dharmapuri District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 and 2 to furnish the report of the Deputy Superintendent of Police, SJ & HR Wings, Dharmapuri, in C.No.104/SJ & HR/Vigilance Cell/DPI/2017, dated 17.05.2021 Anthropologist's Report along with connected documents as per judgment reported in 1994 (6) SCC 241, Kumari Madhuri Patil Case and consequently direct the respondents, not to proceed further till furnishing the same and reply to report with regard to the petitioner community certificate dated 16.06.1980, bearing No.287/80.

For petitioner : Mr.N.Naganathan

For respondents : Mr.T.N.C.Kaushik



ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

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2. The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to furnish the report of the third respondent, dated 17.05.2021 and consequently direct the respondents not to proceed further till furnishing the same.

3. Mr.N.Naganathan, learned counsel for the petitioner would state that the petitioner belongs to Hindu Kondareddy Schedule Tribe Community and he was therefore issued with certificate dated 16.06.1980. He was appointed as a Ticket Collector in the Southern Railway. While so, the petitioner Community Certificate was referred to the District Collector for verification and without conducting proper enquiry, the certificate was cancelled in the month of July 2004. In WP.No.28801 of 2004, vide order dated 26.07.2005, this Court set aside the order and remanded back for fresh enquiry.

4. It is further submitted that the third respondent has submitted a report to the respondents 1 and 2. However, the report of the third respondent was not furnished to the petitioner. Hence, he made a representation to the authorities and in the meanwhile, without furnishing the report, the respondents 1 and 2 are proceeding with the enquiry.

5. The learned Government Advocate appearing for the respondents Mr.T.N.C.Kaushik would state that the second respondent is ready to furnish a report to the petitioner and further enquiry will be commenced only after furnishing report to the petitioner.

6. In view of the submissions of the learned Government Advocate appearing for the respondents, the second respondent is directed to furnish a copy of the report to the petitioner within a period of two weeks. Thereupon, the respondents 1 and 2 shall proceed with the enquiry.

7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

pvs



To

1.The Chairman,
State Level Scrutiny Committee II,
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai 600 005.

3.The Deputy Superintendent of Police,
Dharmapuri District.

+1cc to Mr.N.Naganathan, Advocate, S.R.No.48335

+1cc to the Government Pleader, S.R.No.49426

W.P.No.20168 of 2021

PMK(CO)
CS/27/10/2021