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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

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

W.P.No.26732 of 2021
and
W.M.P.No.28166 of 2021

J.Nagarajan

...Petitioner

Vs.

The Sub-Collector,
Mettur,
Salem District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records in pursuant to the notice in Na.Ka.No.1689/2021-T dated 25.11.2021 on the file of the respondent and quash the same.

For Petitioner : Mr.S.Doraisamy
For Respondent : Mr.K.V.Sajeevkumar
Spl. Govt. Pleader

ORDER

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

Mr.K.V.Sajeevkumar, learned Special Government Pleader takes notice for the respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.This Writ Petition has been filed seeking for issuance of a Writ of Certiorari to quash the notice in Na.Ka.No.1689/2021-T issued by the respondent dated 25.11.2021, wherein, the petitioner was called for to attend for enquiry with regard to the genuineness of the community certificate issued to him.

3.The petitioner would state that he belongs to 'Kurumans Community', which is classified as 'Schedule Tribe' Community.



He obtained community certificate from the Tashildar, Mettur on 13.04.1989. According to the petitioner, the said community certificate was issued after due verification of the documents and enquiry.

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4.It appears that the petitioner contested for the post of the President of Lakkampatti Village Panchayat and he was declared as elected on 02.01.2020. It is the case of the petitioner that the person, who was defeated in the panchayat election, has made a false complaint questioning the community certificate issued in favour of the petitioner and based on the complaint, the respondent has issued the impugned notice.

5.The learned counsel appearing for the petitioner Mr.S.Doraisamy would urge that as per G.O.Ms.No.108, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 12.09.2007, the genuineness of the community certificate issued in favour of the petitioner can be verified only by the State Level Scrutiny Committee and hence, the respondent has no jurisdiction to conduct enquiry to verify the genuineness of the community certificate issued in favour of the petitioner. In this regard, the learned counsel relies on the order passed by this Court in W.P.No.16657 of 2012, wherein, the Division Bench of this Court at paragraph No.5, it has been held as follows:-

"5.The fact remains that the competent committee to verify and go into the genuineness of Schedule Tribe Community Certificate would be the State Level Scrutiny Committee, constituted by the Government, as per G.O.Ms.No.108, Adi Dravidar and Tribunal Welfare Department, dated 12.09.2007. As such, it is very clear that the respondent committee is not the competent committee to enquire into the genuineness of Schedule Tribe Community Certificate and on that ground, the impugned notice, dated 05.12.2012, issued by the respondent is liable to be quashed. In the decision relied on by the learned counsel for the petitioner, W.P.No.24121 of 2012 (K.K.S.Rajendran vs. District Level Vigilance Committee, Salem District), the Division Bench of this Court has held as under:-

"3.the competent Committee to go into the verification of the genuineness of a scheduled tribe community would be the State Level Scrutiny Committee constituted by the Government vide G.O.Ms.No.108, Adi Dravidar and Tribal Welfare Department, dated 12.09.2007.

4.In that view of the matter, the



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impugned notice, at the instance of the District Level Vigilance Committee cannot be sustained. However, as the competent Committee would be the State Level Scrutiny Committee, we direct the Chairman of the District Level Vigilance committee to forward all the papers pertaining to the verification of the genuineness of the community certificate of the petitioner to the State Level Scrutiny Committee in a period of ten days from the date of receipt of a copy of this order from the Registry or production of the same by the petitioner and on receipt of the same, the State Level Scrutiny Committee shall issue notice to the petitioner to appear for enquiry in order to prove his community status."

In the light of the above decision of the Division Bench of this Court, we are inclined to allow the writ petition and quash the impugned notice, dated 05.12.2012."

6.The learned Special Government Pleader appearing for the respondent Mr.K.V.Sajeevkumar fairly conceded that the respondent has no authority to verify the genuineness of the community certificate issued in favour of the petitioner and at the most he can refer the complaint to the State Level Scrutiny Committee for proper verification.

7.In the light of the order passed in the above W.P.No.16657 of 2012 dated 19.12.2012 and the submission of the learned counsels, this Writ Petition is allowed and the impugned notice in Na.Ka.No.1689/2021-T dated 25.11.2021 on the file of the respondent is quashed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

skn



To

The Sub-Collector,
Mettur,
Salem District.

+1cc to the Government Pleader, S.R.No.67104

W.P.No.26732 of 2021 and
W.M.P.No.28166 of 2021

KSM(CO)
CT 21/01/2022