

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.8236 OF 2022

S.Annamalai

... Petitioner

.Vs.

1. The Principal Secretary to Government,
Department of Adi Dravidar and
Tribal Welfare Department,
Secretariat,
Chennai - 600 009.
2. The District Caste Community
Scrutiny Committee,
Rep. by its Chairman and
the District Collector,
Kallakurichi District.
3. The Revenue Tahsildar,
Sankarapuram,
Kallakurichi District.
4. Chitra
5. Sathya
6. Shankar kumar
7. Valarmathi
8. Raja
9. Meena
10. Chinnaiyan
11. P.Renukambal
12. K.Koosu

13. P.Mahendran
14. P.Manohar
15. Vimala
C/o.Gopi
16. Vimala
C/o.Govindan
17. G.Gopi
18. Vinoth
19. Mani
20. Ranjith
21. Kumar
22. Selvi
23. Selvakumar
24. Jeya
25. Jeyaprakash
26. Priyanka
27. Gopi
28. Jancy
29. Elumalai
30. Sathya
31. Sudha
32. Ramachandran
33. Aarumugam
34. Muthuvel
35. Rajesh
36. Vinoth

37. Vidhya
38. Ayyappan
39. Vinodhini
40. Ambika
41. Selvamani
42. Sathiya
43. Maheshwari
44. Balaji
45. Rajeshwari
46. Jaishankar
47. Revathy
48. Tamilmozhi
49. Maarimuthu
50. Jeyaprakash
51. Ayyappan
52. Saravanan
53. Sakthivel
54. Sree Devi
55. Jeyakumar
56. Amudhamozhi
57. Alamelu
58. Manjula
59. Shankarkumar
60. Vimala
61. Vignesh

- 62. Sangeetha
 - 63. Aravind
 - 64. Chitra
 - 65. Kalaimathi
 - 66. Kannayiram
 - 67. Dhanalakshmi
 - 68. Murugan
 - 69. Ayyappan
 - 70. Moorthy
- ... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to scrutinise the genuineness of the Community Certificate of the sixth respondent to 70th respondent as Hindu-Thomban, which was issued by the third respondent, in pursuance of first respondent's G.O.(2D).No.108, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 12.09.2007.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by Mr.Alagu Gowtham
Government Advocate
For RR-1 to 3

ORDER

(The Order of the Court was made by
The Honourable Chief Justice)

This Writ Petition (Public Interest Litigation) has been filed to seek a direction to the first respondent to scrutinise the genuineness of the Community Certificates of respondents 6 to 70 as Hindu-Thomban, as they have been issued by the third respondent in pursuant to G.O.(2D).No.108, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 12.09.2007.

2. Learned counsel for the petitioner submitted that the Caste Certificates have been issued in favour of respondents 6 to 70, though they do not belong to the caste of which the Certificates have been issued. The petitioner made a representation to the District Collector and many other authorities, to question the Caste Certificates given to respondents 6 to 70, but no heed to it has been paid.

3. In view of the above submissions on facts, the petitioner was left with no other option but to file this Writ Petition seeking to cancel the Caste Certificates issued in favour of respondents 6 to 70.

4. The learned counsel for the petitioner has given reference to certain documents to indicate that representations have been given. Reference to the order of this Court, dated 14.02.2017 in W.P.No.1645 of 2016, in the case of V.Chitra VS. State of Tamil Nadu, represented by its Secretary to Government, Rural Development and Panchayat Department, Fort St. George, Chennai-9 and 7 others, was made, where challenge to the exercise taken by the respondents therein to cancel the Caste Certificate of the petitioner Chitra therein, was not accepted.

5. In view of the above order of this Court, prayer is made to direct the respondents herein to consider the representations of the petitioner, to cancel the Caste Certificates issued to respondents 6 to 70.

6. This Writ Petition is opposed by the learned State Government Pleader appearing for the respondents 1 to 3, not only on the ground of maintainability of the Writ Petition, but also on the ground that the remedy to challenge the Caste Certificates, lies to the District Level Vigilance Committee. The Writ Petition to address the question of facts, cannot be entertained while exercising jurisdiction under Article 226 of the Constitution of India.

7. It is further stated by the learned Government Pleader that the present Writ Petition is not a Public Interest Litigation (PIL), but it is filed on personal interest, as reference to the Caste Certificate issued to the fourth respondent against whom the petitioner has contested the Election to Local Body, has been shown. He lost in the said Election and thus, the present Writ Petition has been filed to settle the dispute with the private respondents. Prayer is accordingly made to dismiss the Writ Petition.

8. We have considered the rival submissions and scanned the materials on record carefully.

9. By this Writ Petition, challenge has been made to the Caste Certificates issued in favour of respondents 6 to 70. It is alleged that they do not belong to the Caste of which the Caste Certificates have been issued. It is after referring to the facts of the case which needs determination of the question of facts, this Court, exercising jurisdiction under Article 226 of the Constitution of India, would not enter into the question of facts, especially, when the remedy to challenge the Caste Certificates lies with the District Level Vigilance Committee. The petitioner has failed to give any reason for not approaching the District Level Vigilance Committee to consider his grievance. It is more so that after the District Level Vigilance Committee, there is another Committee at the State Level, namely State Level Scrutiny Committee.

10. The learned counsel for the petitioner has drawn our attention towards certain representations given to the District Collector to indicate that the District Collector being the Chair-person of the District Level Vigilance Committee, had been approached, and therefore, the petitioner had taken the remedy and thereafter, he has approached this Court.

11. We have gone through the documents. We do not find that the representations had been addressed to the District Collector in the capacity of the Chair-person of the District Level Vigilance Committee. We find invariably that whenever Writ Petition is filed, it is after addressing the representation to the District Collector or some officials of the Government and the same format has been followed in this case also, without realising that effective mechanism made for scrutiny of the issue is available, and it can be looked into on factual aspects also. The compliant is otherwise omni-bus and general complaint against the Caste Certificates, is coming out from the representation. It seems to have been submitted for the sake of it, without supplying materials and details as to how the Caste Certificates have been wrongly issued in favour of respondents 6 to 70.

12. Even if the present Writ Petition is not taken to be of personal interest, the petitioner has failed to approach the Court after taking the remedy as provided under law, and otherwise, the jurisdiction of this Court under Article 226 of the Constitution of India, would not be available to determine the question of facts.

13. For all the reasons stated above, we do not find the present PIL is maintainable. It is more so, when it has been filed after a lapse of several years of grant of Caste Certificates, but in any case, leaving it open for the petitioner to take remedy as is available in law. This Writ

Petition is dismissed holding it to be not maintainable at this stage. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cs/grs

To

1. The Principal Secretary to Government,
Department of Adi Dravidar and
Tribal Welfare Department,
Secretariat,
Chennai - 600 009.
2. The Chairman and the District Collector,
The District Caste Community Scrutiny Committee,
Kallakurichi District.
3. The Revenue Tahsildar,
Sankarapuram,
Kallakurichi District.

+1cc to Mr.P.Saravanan, Advocate, S.R.No.23156
+1cc to the Government Pleader, S.R.No.23247

W.P.NO.8236 OF 2022

JP-II(CO)
PBS/21/04/2022