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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

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THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.7867 of 2022

John Lopez

... Petitioner

-vs-

1. State Level Scrutiny Committee,
Adi Dravidar & Tribal Welfare Department,
Secretariat, Chennai-600 009.
2. The District Collector, Dindigul
District Collectorate, Dindigul-624 004.
3. Revenue Divisional Officer,
Dindigul, Dindigul-624 001.
4. P.Ramamoorthi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 1st respondent to pass final orders in Lr.No.8883/CVIII/2019-6 dated 24.01.2020 with regard to the ST certificate of the 4th respondent, within a time frame fixed by this Court.

For Petitioner : Mr.A.Ashvathamam

For Respondents : Mr.K.V.Sajeev Kumar,
1 to 3 Spl. Govt. Pleader

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 1st respondent to pass final orders in Lr.No.8883/CVIII/2019-6 dated 24.01.2020 with regard to the ST certificate of the 4th respondent, within a time frame fixed by this Court.



2. Learned Counsel appearing for the petitioner would submit that the 4th respondent herein has obtained Scheduled Tribe Certificate by false claim whereas he hails from Naicker Community which has been listed as Backward Class Community. In this regard, the petitioner has given a complaint before the Director, Vigilance and Anti-Corruption, Chennai and also before the State Level Scrutiny Committee, the 1st respondent herein. An FIR in Crime No.3/2018 was also registered. But the said FIR was challenged by filing a quash petition under Section 482 of Cr.P.C. before this Court and finally, this Court allowed the petition thereby quashing the FIR with liberty to the official respondents therein to proceed further based on the outcome of the verification process before the State Level Scrutiny Committee. Since the FIR registered against the 4th respondent was quashed by this Court with liberty to the respondents therein to await the result of the State Level Scrutiny Committee, the 1st respondent herein having seized of the matter for quite a long time has not come forward to conduct and complete the enquiry. Therefore, the petitioner has been advised to come to this Court by filing the present Writ Petition seeking to direct the 1st respondent to conclude and pass final orders in Lr.No.8883/CVIII/2019-6 dated 24.01.2020 with regard to the ST certificate of the 4th respondent.

3. Mr.K.V.Sajeev Kumar, learned Special Government Pleader taking notice for the respondents 1 to 3 would submit that as the subject matter is pending before the 1st respondent herein, 3 months time may be granted to complete the enquiry on the issue as to whether the 4th respondent belongs to Scheduled Tribe Community or not. He would further submit that after receiving a report from the Vigilance and Anti Corruption Department and also the Anthropologist, the 1st respondent will hold an independent enquiry on the basis of which final orders shall be passed.

4. Recording the submissions of the learned Special Government Pleader for the respondents 1 to 3, this Courts directs the 1st respondent herein, namely, State Level Scrutiny Committee, Adi Dravidar & Tribal Welfare Department, Secretariat, Chennai-600 009, to conduct and pass final orders on the pending enquiry against the 4th respondent in Lr.No.8883/CVIII/2019-6 dated 24.01.2020, within a period of three months from the date of receipt of a copy of this Order.



5. With the above observation and direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VII)

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// True Copy //

Sub Assistant Registrar

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To

1. State Level Scrutiny Committee,
Adi Dravidar & Tribal Welfare Department,
Secretariat, Chennai-600 009.
2. The District Collector, Dindigul
District Collectorate, Dindigul-624 004.
3. Revenue Divisional Officer,
Dindigul, Dindigul-624 001.

+lcc to the Government Pleader, SR.No.23237

W.P.No.7867 of 2022

RSI(CO)
CB(11/04/2022)