



WEB COPY



W.P.No.26365 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.26365 of 2022
and
W.M.P.No.25439 of 2022

S.Veluswamy

...Petitioner

Vs.

The Tamil Nadu State Level Scrutiny Committee-III,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
Secretariat, Chennai – 9.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the entire records of the respondent in connection with the Impugned Proceedings No.17696/CV-4(2)/2013-20, dated 02.09.2022, received on 08.09.2022 and quash the same as illegal.

For Petitioner : Mr.Sharath Chandran
for Mr.Ma.P.Thangavel
For Respondent : Ms.C.Sangamithirai
Special Government Pleader



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ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The petitioner is aggrieved by the procedure adopted by the State Level Scrutiny Committee in disposing of his application in verifying the community certificate granted to him.

2.The verification of the certificate was taken up by the respondent and the petitioner was informed by proceedings dated 29.06.2022 that he would have three months time to produce the valid records and land documents in original to substantiate his claim before the State Level Scrutiny Committee- III. However, even before the three months period could expire, the Committee passed orders on 02.09.2022 holding that the petitioner has not established that he belongs to “Konda Reddy” Community, which is classified as Scheduled Tribe.

3.Mrs.C.Sangamithirai, learned counsel appearing for the State Level Scrutiny Committee would submit that Committee was forced to pass orders because of the direction by the Division Bench in W.P.No.21399 of 2022 dated 23.08.2022. We are unable to agree with the statement of the



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learned counsel. Paragraph 4 of the order of the Division Bench reads as follows:-

“4.Today, when the matter was taken up for hearing in the morning session, Mr.V.Manoharan, learned Additional Government Pleader appearing for the first respondent sought time to get instructions from the first respondent. When the matter was again taken up at 2.15 p.m., learned Additional Government Pleader, on instructions from Mr.A.S.Mohan Ram, Member Secretary, State Level Scrutiny Committee, Adi Dravidar & Tribal Welfare Department, Secretariat, who is also present before this Court, submitted that, since the second respondent has been taking adjournments time and again, they are unable to proceed with the matter. However, they are ready to pass orders within a period of two weeks on merits and in accordance with law.”

4.Therefore, it could be seen that the order of the Division Bench was based on a representation made by one of the Member Secretary of the State Level Scrutiny Committee to the effect that the employee has been taking adjournments. It is apparently a false representation made, by a responsible Officer, to this Court.

5.Be that as it may. After having given three months time for the



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petitioner to produce documents, the Committee ought not to have disposed of verification proceedings before that date. The order in the Writ Petition has been obtained at the admission stage without notice to the petitioner. Minimum requirement is that atleast after the order dated 23.08.2022 made by the Division Bench, the petitioner should have been put on notice of the order and required to produce material. The learned counsel for the State Level Scrutiny Committee would submit that three opportunities that were given prior to the order of the Division Bench. Those opportunities were given on 25.11.2020, 14.12.2020 and 29.03.2022. It was thereafter, by proceedings dated 29.06.2022, the petitioner was given three months time.

6.It is seen that the order impugned dated 02.09.2022 has been passed with alarming urgency, which impel us to doubt the very credibility of the procedure. Hence, order dated 02.09.2022 is set aside solely on the ground that it has been passed, without offording resonable opportunity to the petitioner, even before the time granted to him has expired.

7.Therefore, it is clear that the State Level Scrutiny Committee has



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hurried up the proceedings and forced the petitioner to come to this Court.

The writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.)

(K.B.,J.)

29.09.2022

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Internet:Yes
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R.SUBRAMANIAN, J.



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and
K.KUMARESH BABU, J.

KKN

To:-

The Tamil Nadu State Level Scrutiny Committee-III,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
Secretariat, Chennai – 9.

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