



WEB COPY



W.P.No.792 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.792 of 2023

and

W.M.P.No.737 of 2023

U.Gowrisankar

.. Petitioner

Vs.

1.The Tamil Nadu State Level
Scrutiny Committee-III
Adi Dravidar and Tribal Welfare
Department (CV-5)
Represented by its Chairman
Namakkal Kavingar Maligai
Secretariat
Chennai-600 009.

2.The Director of Tribal Welfare Department
Chepauk
Chennai-600 005.

3.The Deputy Superintendent of Police
Social Justice & Human Rights Division
Vigilance Cell, Erode
Erode District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records



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relating to the enquiry notice in Letter No.15922/CV-4(2) / 9216/CV-4(2) 2015-II, dated 23.11.2022 on the file of the 1st respondent and Vigilance Cell report in Na.Ka.No.09/SJHR/VR/ERD/2017, dated 14.03.2022 on the file of the 3rd respondent and quash the same.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.E.Vijay Anand

Additional Government Pleader

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

Writ Petition is filed challenging the enquiry notice in Letter No.15922/CV-4(2) / 9216/CV-4(2) 2015-II, dated 23.11.2022 on the file of the 1st respondent and Vigilance Cell report in Na.Ka.No.09/SJHR/VR/ERD/2017, dated 14.03.2022 on the file of the 3rd respondent.

2.Heard the learned counsel appearing for the petitioner as well as learned Additional Government Pleader appearing for the respondents and perused the entire materials on record.

3.Learned counsel appearing for the petitioner submitted that petitioner belongs to Konda Reddis (ST) community. He applied for



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awarding the retail outlet dealership at Karumandurai, Salem District under the Scheduled Tribe category in the year 2001. The petitioner was called for an interview by Indian Oil Corporation. As they doubted the genuineness of the petitioner's Community Certificate, they referred the certificate to the District Collector and his application was not considered by the Indian Oil Corporation. The petitioner filed writ petition No.31601 of 2005. This Court by the order dated 28.01.2013 directed the respondent therein, Indian Oil Corporation to consider the representation of the petitioner and pass orders on merits and in accordance with law. Indian Oil Corporation on 01.07.2014 made a request to the 1st respondent to ascertain genuineness of the Community Certificate of the petitioner. The 1st respondent referred the matter to the 3rd respondent to conduct enquiry and file a report. The 3rd respondent conducted enquiry, examined 13 witnesses and collected 30 documents and filed his report on 14.03.2022 concluding that petitioner's Community Certificate that Hindu – Konda Reddis is not genuine and he belongs to Hindu - Reddy Community. Based on the report of the 3rd respondent, 1st respondent issued notice dated 23.11.2022 to the petitioner to attend for enquiry. Hence, the petitioner has come out with the present writ petition for the relief sought for above.



4.Learned Additional Government Pleader appearing for the respondents submitted that as per the order of the 1st respondent, the 3rd respondent conducted enquiry and filed report. The impugned notice was issued by 1st respondent for enquiry. It is for the petitioner to attend enquiry and produce all the documents in support of his claim. The writ petition is not maintainable and prayed for dismissal of the writ petition.

5.From the materials on record, it is seen that community status of the petitioner is being enquired into by the 3rd respondent. The petitioner claims that he belongs to Konda Reddis (ST) community. Whereas the 3rd respondent conducted enquiry and filed report stating that his Community Certificate is not genuine and he belongs to Hindu - Reddy community. The petitioner is challenging the said report as well as enquiry notice.

6.From the impugned notice, it is seen that initially the petitioner was called for enquiry on 31.10.2022. On that day, the petitioner did not appear, his wife appeared before the 1st respondent and informed the 1st respondent that petitioner was hospitalised and requested time. By the impugned notice, the 1st respondent granted two months time to the



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petitioner to substantiate his claim that he belong to Konda Reddis (ST) community and if he is unable to appear on that day in person, he can send the documents by post. In view of the above, the petitioner is not entitled for the relief now sought for in the writ petition. It is open to the petitioner to substantiate his claim by filing the documents before the 1st respondent that he belong to Konda Reddis (ST) community. The 1st respondent is directed to permit the petitioner to let in evidence and to cross-examine the witnesses.

7. With the above observations, the writ petition stands dismissed.

No costs. Consequently, connected Miscellaneous Petition is closed.

(V.M.V., J) (R.H., J)
11.01.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

1. The Tamil Nadu State Level
Scrutiny Committee-III
Adi Dravidar and Tribal Welfare
Department (CV-5)
Represented by its Chairman
Namakkal Kavingar Maligai
Secretariat, Chennai-600 009.



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**V.M.VELUMANI,J.
and
R.HEMALATHA,J.**

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2.The Director of Tribal Welfare Department
Chepauk
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