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Crl.O.P.No.25079 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10-08-2023**

CORAM

HONOURABLE MR JUSTICE V.SIVAGNANAM

CRL OP. 25079 of 2021

&

Crl.M.P.No.13808 of 2021

K.Velu

... Petitioner

Vs

Deputy Superintendent of Police,
SC/ST Vigilance Cell,
Chennai Region,
8th Floor, District Collector Office,
Chennai -1

...Respondent

Prayer: Criminal Original Petition filed under section 482 of Cr.P.C., to call for the records relating to the summons dated 01.11.2021 on the file of the respondent and quash the same.

For petitioners : Mr.M.P.Rajavelayutham

For Respondent : Ms.V.J.Priyadasana,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed challenging the summons dated 01.11.2021 issued by the respondent/Deputy Superintendent of Police, SC/ST Vigilance Cell, Chennai and quash the same.



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2. The learned counsel for the petitioner submitted that the respondent, by impugned summons, issued to the petitioner, directed the petitioner to appear either before the Revenue Inspector or in his residence in order to verify the genuineness of the Hindu-Konda Reddy community certificate possessed by him along with supporting documents to prove his community certificate. The petitioner did not obtain any community certificate from any authority and as he is not employed anywhere, no application was made by anybody to the State Level Scrutiny Committee to verify his community certificate which is not in existence. He further submitted that he had not obtained any Hindu Konda Reddy Certificate, so he need not appear before the Revenue Inspector to produce any certificate. Since the State Level Scrutiny Committee alone have the authority to verify the genuineness of the community certificate, it can refer the matter to the respondent to conduct an enquiry and send a report. Thus the respondent herein has no jurisdiction to issue such summon to the petitioner. Therefore, the impugned summon issued by the respondent is a clear misusing of process of law. Hence, he prayed for quashing the impugned summon issued by the respondent and allow the criminal original petition.

3. The learned Govt. Advocate (crl.side) submitted that his Chairman,



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State Level Scrutiny Committee III, vide his letter No.8551/CV-4(1)/2021-12, dated 06.10.2022, requested the Director, Tribal Welfare Department, Chennai, to conduct enquiry upon the correctness of 297 Konda Reddy Community Certificate issued by the Revenue Divisional Officer, Tiruttani and send the Vigilance Cell reports to State Level Scrutiny Committee immediately. In pursuance of the direction of the Chairman, State Level Scrutiny Committee, the Deputy Superintendent of Police, SC/ST, Vigilance Cell, Chennai, issued summons to the petitioner to produce his caste certificate to find out the correctness of the certificate. Since the respondent acted upon the direction of the Chairmen, State Level Scrutiny Committee, the respondent viz., the Deputy Superintendent of Police, SC/ST Vigilance Cell is the competent person to issue summons to petitioner. Thus there is no abuse of process of law. Therefore, this criminal original petition is not maintainable and prayed for dismissal of the same.

4. On perusal of the impugned summons, it is noticed that the respondent issued summons to the petitioner, based upon the requisition made by the Chairman, State Level Scrutiny Committee-III addressed to Director, Tribal Welfare, in order to verify the correctness of 297 Kondareddis Scheduled Tribe Community Certificates issued by the Revenue Divisional



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Officer, Tiruttani. In the summons issued by the respondent, the petitioner was directed to produce his Hindu-Kondareddis Community Certificate. According to the petitioner, he did not possess such certificate. In that event, the petitioner may appear before the Revenue Inspector concerned and give in writing that he do not possess any Konda Reddy Community Certificate as claimed by the respondent in his summons. There may not be any grievance to the petitioner in this regard. Since the respondent acted according to the direction of the Chairman, State Level Scrutiny Committee-III, Adi Dravidar and Tribal Welfare (CV-4) Department, this court is of the view that the respondent is having jurisdiction to issue summons directing the petitioner produce Konda Reddy Community Certificate, if any, possessed by the petitioner, in order to verify the genuineness of the same.

5. In view of the above, I find no merits in this Criminal Original Petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

10-08-2023

Index: Yes/No

Internet: Yes

msr



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To

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The Deputy Superintendent of Police,
SC/ST Vigilance Cell,
Chennai Region,
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Chennai -1



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V. SIVAGNANAM, J.

msr

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