



W.P.No.30575 of 2019
and W.M.P.Nos.30631 & 30633 of 2019 and 7444 of 2020

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.30575 of 2019

and

W.M.P.Nos.30631 & 30633 of 2019 and 7444 of 2020

L.Kirubakaran

... Petitioner

Vs.

1.The Commissioner of Rehabilitation and
Welfare of Non Resident Tamils,
4th Floor, Ezhilagam Annex Building,
Chepauk, Chennai - 600 005.

2.The Deputy Superintendent of Police,
Social Justice and Human Rights,
Thiruvallur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the 2nd respondent made in Rc.No.72.SJ&HR/2017-3 dated 06.08.2019 and that of the 2nd respondent's order made in Na.Ka.72.SJ & HR/2017 dated 18.10.2018 (served to the petitioner on 20.10.2019) to quash the same.



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For Petitioner : Mr.L.Chandrakumar
for Ms.N.R.Jasmine Padma
For Respondents : Ms.R.L.Karthika
Government Advocate

ORDER

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

The present writ petition is filed to call for the records relating to the 2nd respondent made in Rc.No.72.SJ&HR/2017-3 dated 06.08.2019 and that of the 2nd respondent's order made in Na.Ka.72.SJ & HR/2017 dated 18.10.2018 (served to the petitioner on 20.10.2019).

2.Heard the learned counsel appearing for the petitioner and learned Government Advocate appearing for the respondents and perused the entire materials on record.

3.The learned counsel appearing for the petitioner submitted that the petitioner and his family repatriated from Burma. The petitioner and his siblings studied in the Government School. The Government of Tamil Nadu passed an order of issuance of community certificate. As per



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the Government Order, the petitioner and his brother were issued community certificate certifying that they belong to Hindu Kattu Naicken Community which is recognised as Scheduled Tribe Community. Based on the said certificate, the petitioner has got an appointment in Indian Airlines Limited, currently called Air India Limited. The petitioner is due to retire from service in the year 2023. Based on some complaint given by a third party, the District Collector cancelled the community certificate issued to the petitioner and his brother vide his orders dated 30.12.1997 in Na.Ka.No.7695/97/J3. Aggrieved over the same, the petitioner filed W.P. Nos.2840 and 2841 of 1998 before this Court, in which this Court passed an order dated 28.09.2005, by setting aside the orders of the District Collector and directed the appropriate committee to decide upon the petitioner's community certificate.

4. It is seen from the impugned notice dated 06.08.2019 that the petitioner was called to produce the documents listed therein, in order to verify the issuance of the community certificate issued to the petitioner. According the petitioner, his family is repatriated from Burma



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due to emergent situation and he was not in a position to produce the documents required by the second respondent.

5. In the affidavit filed by the petitioner, it is stated that he and his siblings studied in Tamil Nadu and based on the certificate issued by the State Government, he got an appointment in the public sector undertaking. In view of the above averments in the affidavit, it is for the petitioner to produce the documents available with him and give explanation to the impugned notice and appear for enquiry. Hence, the impugned notice is not liable to be quashed as prayed for.

6. With the above observations, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed. In view of the above order WMP.No.7444 of 2020 is dismissed.

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

24.01.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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To

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