



WEB COPY



W.P.No.31562 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.31562 of 2019

and

W.M.P.Nos.31759 & 31761 of 2019

L.Thirunavukarasu

.. Petitioner

Vs.

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

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

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for records relating to the Proceedings C.No:72/SJ&HR/TVLR/2017 dated 18.10.2019 of the 2nd respondent, to quash the same and extend all benefits thereto.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Ms.R.L.Karthika
Government Advocate



W.P.No.31562 of 2019

ORDER

WEB COPY

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

The petitioner has come out with the present Writ Petition to quash the proceedings of the 2nd respondent in C.No:72/SJ&HR/TVLR/2017, dated 18.10.2019 and to extend all the benefits.

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 joined Schools and pursued their education here. The Government of Tamil Nadu passed an order of issuance of community certificate. As per the Government Order, the petitioner was issued community certificate certifying that he belongs 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, Thiruvallur, had cancelled the community certificate issued to the petitioner vide his proceedings bearing Na.Ka.No.7695/97/J-3, dated 30.12.1997. 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 18.10.2019 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 due to emergent situation and he was not in a position to produce the documents required by the 2nd 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



W.P.No.31562 of 2019

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.

Consequently, connected miscellaneous petitions are closed. No costs.

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

22.02.2023

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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

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



WEB COPY



W.P.No.31562 of 2019

V.M.VELUMANI, J.
and

R.HEMALATHA, J.

krk

W.P.No.31562 of 2019

22.02.2023