



WP(MD)No.7013 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.03.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

WP.(MD)No.7013 of 2023

K.Jothi

.. Petitioner

Vs.

1.The Chairman

State Level Scrutiny committee III/

Additional Secretary to Government

Adi Dravidar and Tribal Welfare Department (CV-5)

Secretariat, Chennai.

2.The Director of Tribal Welfare Department

Chepauk, Chennai.05.

3.The District Collector,

Salem District,

Salem.

4.The Revenue Divisional Officer,

Musiri,

Tiruchirappalli District.

5.The Tahsildar,

Thuraiyur Taluk

Tiruchirappalli District.

.. Respondents



WP(MD)No.7013 of 2023

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Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the 1st respondent to conclude the enquiry based on the documents submitted by the petitioner on 19.07.2021 and pass final order without insisting to produce the documents as mentioned in the communication of the 1st respondent dated 06.06.2022 within the time stipulated by this Court.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.A.Baskaran
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

With regard to the claim of the petitioner to get a Scheduled Tribe Certificate, which according to the petitioner, she received from the Tahsildar concerned some time in the year 1977 subsequently in the year 1985 and in order to verify the genuinity of the document, the same seem to have been referred to the State Level Scrutiny Committee ,Chennai, the first respondent herein.

2. To conduct enquiry and to come to a conclusion as to the genuinity of the certificate of ST community of the petitioner, the committee sent a



WP(MD)No.7013 of 2023

communication on 06.06.2022, where 9 documents, which have been enumerated therein, were directed to be produced. In this context, it is the grievance of the petitioner that all other available documents had already been filed before the committee on 19.07.2021. Therefore, what are all the further documents, which have been sought for through the said communication dated 06.06.2022 shall be the document with regard to the death certificate of the parents of the petitioner is concerned, that is not available with the petitioner, though it has been orally communicated to the first respondent by making a personal appearance by the petitioner to the committee, the same has not been considered so far and no final order has been passed. Therefore, without insisting upon the same in the enquiry and based on the available document, the petitioner wants to pass a final order. That is how the petitioner is before this Court.

3. Reiterating the same, the learned counsel for the petitioner made his submissions.

4. Heard the learned Additional Government Pleader, who would submit that after necessary documents, according to the committee, are



WP(MD)No.7013 of 2023

sought for, it is for the petitioner to respond to the same as to whether those documents are available with him or not and in this context, since there has been no written explanation given by the petitioner to the communication dated 06.06.2022, the committee was not able to consider the same. Therefore, once the petitioner come forward to give written explanation to the communication dated 06.06.2022, based on which, the petitioner's case would be completed and final orders would be passed by the committee within the time frame that may be stipulated by this Court.

5. Considering the said submissions made by the learned Additional Government Pleader for the respondents and taking note of the aforesaid factual matrix, this Court is inclined to dispose of the writ petition with the following direction:

“That it is open to the petitioner to give written reply to the communication dated 06.06.2022 in letter No.5069/CV-5/2016-12 within a period of two weeks, where what are all the documents filed shall also be listed and further document sought for by the committee through the communication dated 06.06.2022 whether it is available or not shall also be communicated in the said reply and on receipt of the same, the committee



WP(MD)No.7013 of 2023

shall consider all these documents and accordingly pass final orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.” No costs.

(R.S.K.,J.) (K.K.R.K.,J.)
30.03.2023

Index : Yes/No

Internet : Yes

RR

To

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WP(MD)No.7013 of 2023

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WP.(MD)No.7013 of 2023

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