



WEB COPY



W.P.No.3068 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.3068 of 2024

Albert Rajkumar

... Petitioner

Vs.

1.The Secretary to Government,
Ministry of Communication,
Department of Telecommunications,
Government of India,
Sanchar Bhavan, 20, Ashoka Road,
New Delhi – 110 001.

2.The Secretary to Government,
Ministry of Personnel, Public Grievances and Pension,
Department of Personnel and Training,
Government of India,
North Block,
New Delhi – 110 001.

3.The Chairman,
National Commission for Scheduled Castes,
5th Floor, Loknayak Bhawan,
Khan Market,
New Delhi – 110 003.



W.P.No.3068 of 2024

WEB COPY

4.The Secretary to Government,
Adi Dravidar & Tribal Welfare Department,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

5.The District Collector,
Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai – 600 001.

6.The Tahsildar,
Saidapet Taluk,
Chennai – 600 015.

7.The Registrar,
Anna University,
Guindy, Chennai – 600 032.

8.S.Sudhakar

9.The Bishop of Madras Diocese,
Church of South India Diocese of Madras,
St. Georges Cathedral CSI Church,
Cathedral Road,
Gopalapuram, Chennai – 600 086.

10.Rev.Abraham Thomas,
Plot No.17 and 18, 2nd Street,
Assembly of God Church,
Anna Nagar East,
Chennai – 600 102.

... Respondents



W.P.No.3068 of 2024

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to take action against the 8th respondent by verifying his Community Certificate status in C.A.No.6359/88-A2 dated 19.09.1988 before the appropriate form and take necessary action.

Petitioner	:	Mr.A.Albert Rajkumar (Party-in-Person)
For R1 and R2	:	Mr.M.Ramamoorthi Senior Panel Counsel
For R4 to R6	:	Mrs.V.Yamuna Devi Special Government Pleader

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus directing the 3rd respondent to take action against the 8th respondent by verifying his Community Certificate status in C.A.No.6359/88-A2 dated 19.09.1988.



W.P.No.3068 of 2024

2.The case of the petitioner is that the 8th respondent has secured employment by showing his community status different from which he belongs to. The petitioner appears as Party-in-Person and submits that he has made several representations raising objections. He also referred to the conduct of the 8th respondent and his behaviour.

3.As a matter of fact, the petitioner appears to be the brother-in-law of the 8th respondent. It is seen that the 8th respondent has married none other than the sister of the petitioner. The sister of the petitioner, along with another sister, has filed a civil suit in C.S.No.604 of 2019 before this Court, for partition as against the petitioner, in respect of the property of the petitioner's father. It is in such circumstances, the petitioner appears to have shown interest in going after 8th respondent by making several complaints before various Departments.

4.The Hon'ble Supreme Court in the case of *Ayaaubkhan Noorkhan Pathan v. State of Maharashtra and others* reported in (2013) 4 SCC 465, has held as follows :



“9.It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the Authority/Court, that he falls within the category of aggrieved persons. Only a person who has suffered, or suffers from legal injury can challenge the act/action/order etc. in a court of law. A writ petition under Article 226 of the Constitution is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the Authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which writ jurisdiction is resorted to. The Court can of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts. It is implicit in the exercise of such extraordinary jurisdiction that, the relief prayed for must be one to enforce a legal right. Infact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the appellant himself,



who complains of infraction of such right and approaches the Court for relief as regards the same. (Vide : State of Orissa v. Madan Gopal Rungta, AIR 1952 SC 12; Saghir Ahmad & Anr. v. State of U.P., AIR 1954 SC 728; Calcutta Gas Company (Proprietary) Ltd. v. State of West Bengal & Ors., AIR 1962 SC 1044; Rajendra Singh v. State of Madhya Pradesh, AIR 1996 SC 2736; and Tamilnad Mercantile Bank Shareholders Welfare Association (2) v. S.C. Sekar & Ors., (2009) 2 SCC 784).

10.A “legal right”, means an entitlement arising out of legal rules. Thus, it may be defined as an advantage, or a benefit conferred upon a person by the rule of law. The expression, “person aggrieved” does not include a person who suffers from a psychological or an imaginary injury; a person aggrieved must therefore, necessarily be one, whose right or interest has been adversely affected or jeopardised. (Vide: Shanti Kumar R. Chanji v. Home Insurance Co. of New York, AIR 1974 SC 1719; and State of Rajasthan & Ors. v. Union of India & Ors., AIR 1977 SC 1361).”

5.From the entire affidavit, this Court is unable to find existence of any right of the petitioner to challenge the community status of the 8th respondent. Unless a person has suffered a legal injury, he cannot challenge



W.P.No.3068 of 2024

the impugned order in a Court of law as held by the Hon'ble Supreme Court in the judgment referred to above. The views expressed by the Hon'ble Supreme Court have been followed in several other cases. Hence, this Court finds that the petitioner has no *locus standi* to file the present writ petition.

6.In view of the legal position settled by the Hon'ble Supreme Court, this Court may not entertain a dispute in relation to the community status of a person at the instance of a stranger. In this case, the motive behind the petitioner's representation is very clear. In such circumstances, having regard to the law settled by the Hon'ble Supreme Court, this Court is not inclined to entertain this writ petition.

7.However, the 5th respondent/District Collector may conduct an enquiry as to the genuineness of the Community Certificate of the 8th respondent in C.A.No.6359/88-A, dated 19.09.1988, after giving due opportunity to the 8th respondent, and pass appropriate orders, and it is not necessary that the petitioner should be given any opportunity while deciding



W.P.No.3068 of 2024

the genuineness of the Community Certificate submitted by the 8th respondent while securing employment.

8. With the above direction, this writ petition is dismissed. No costs.

(S.S.S.R., J.) (N.S., J.)
12.02.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The Secretary to Government,
Ministry of Communication,
Department of Telecommunication,
Government of India,
Sanchar Bhavan, 20, Ashoka Road,
New Delhi – 110 001.

2. The Secretary to Government,
Ministry of Personnel, Public Grievances and Pension,
Department of Personnel and Training,
Government of India,
North Block,
New Delhi – 110 001.



W.P.No.3068 of 2024

WEB COPY

3. The Chairman,
National Commission for Scheduled Castes,
5th Floor, Loknayak Bhawan,
Khan Market,
New Delhi – 110 003.

4. The Secretary to Government,
Adi Dravidar & Tribal Welfare Department,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

5. The District Collector,
Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai – 600 001.

6. The Tahsildar,
Saidapet Taluk,
Chennai – 600 015.



WEB COPY



W.P.No.3068 of 2024

S.S. SUNDAR, J.
and
N. SENTHILKUMAR, J.

mkn

W.P.No.3068 of 2024

12.02.2024