



WEB COPY



W.P.No.11308 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.11308 of 2022

and

W.M.P.Nos.10858 & 28517 of 2022

Kalpana

... Petitioner

Vs.

1.The District Level Vigilance Committee,
Represented by the District Collector,
Collectorate Buildings,
Sathuvacharry,
Vellore District.

2.The District Adi Dravidar & Tribal Welfare Officer,
Vellore District,
Vellore – 09.

3.Bakayaraj

4.The Revenue Divisional Officer,
RDO Office,
Gudiyatham,
Vellore District.

... Respondents



W.P.No.11308 of 2022

*[R3 impleaded vide order dated 28.04.2023 made in
W.M.P.No.17777 of 2022 in W.P.No.11308 of 2022]*

*[R4 impleaded vide order dated 29.08.2023 made in
W.M.P.No.24031 of 2023 in W.P.No.11308 of 2022]*

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 04.04.2022 passed by the 2nd respondent in Na.Ka.No.K5/3396/2021 and quash the same as well as quash the consequential order dated 16.06.2023 passed by the 4th respondent in Na.Ka.No.A1/940/2022.

[Prayer amended as per order dated 16.10.2023 in W.M.P.No.24036 of 2023 in W.P.No.11308 of 2022]

For Petitioner	:	Mr.D.Thirumoorthy
For R1 and R2	:	Mr.P.Kumaran Additional Advocate General assisted by Mrs.S.Anitha Special Government Pleader
For R3	:	Mr.K.Senthil Kumar



W.P.No.11308 of 2022

ORDER

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

This writ petition was originally filed by the petitioner for issuance of a Writ of Certiorarified Mandamus forbearing the 2nd respondent from cancelling the SC-Adi Dravidar Community Certificate dated 28.09.2004 and 03.07.2021 issued to the petitioner and to quash the impugned order dated 04.04.2022 passed by the 2nd respondent. It is admitted that, by proceedings dated 25.02.2022, the District Level Scrutiny Committee had cancelled the Community Certificate. Thereafter, the petitioner filed an amendment petition with a prayer to quash the order dated 04.04.2022 passed by the 2nd respondent as well the consequential order dated 16.06.2023 passed by the 4th respondent.

2.Even after an order was passed by the District Level Scrutiny Committee cancelling the Community Certificate, the petitioner has not filed any writ petition challenging the same. In these circumstances, having regard to the fact that the District Level Scrutiny Committee has passed an



W.P.No.11308 of 2022

order and the order is binding on the petitioner since it is passed by the competent authority, the remedy available to the writ petitioner is to challenge the order by filing an appeal before the State Level Scrutiny Committee. Therefore, this writ is disposed of, preserving the liberty of the petitioner to file an appeal before the State Level Scrutiny Committee, challenging the order of the District Level Scrutiny Committee, dated 25.02.2022. If an appeal is filed by the petitioner before the State Level Scrutiny Committee within a period of two weeks from the date of receipt of a copy of this order, the State Level Scrutiny Committee shall consider and dispose of the appeal filed by the petitioner, on merits and in accordance with law, within a period of six weeks from the date of filing of such appeal by the petitioner. Till such time the appeal is considered and disposed of on merits by the State Level Committee, the respondents shall maintain status *quo* as regards the community status of the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (N.S., J.)
11.01.2024

mkn

Page 4 of 6



W.P.No.11308 of 2022

WEB COPY

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

- 1.The District Level Vigilance Committee,
Represented by the District Collector,
Collectorate Buildings,
Sathuvacharry,
Vellore District.
- 2.The District Adi Dravidar & Tribal Welfare Officer,
Vellore District,
Vellore – 09.
- 3.The Revenue Divisional Officer,
RDO Office,
Gudiyatham,
Vellore District.



WEB COPY



W.P.No.11308 of 2022

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

mkn

W.P.No.11308 of 2022

11.01.2024