



WEB COPY



W.P.No.19516 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.19516 of 2022

Mr.G.Sudhakaran

..

Petitioner

v.

1. The District Collector
Chennai District
Singaravelar Maligai
Chennai

2. The Tahsildar
Saidapet Taluk
Saidapet, Chennai 600 015

3. The Tahsildar
Mambalam Taluk
K.K.Nagar, Chennai 600 078

4. Mrs.Porselvi
D/o Mr.Santhanam

5. Mr.Mugilan
S/o Mr.Santhanam

6. Mrs.Kalaivani
D/o Mr.Santhanam

..

Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 08.10.2021 and cancel the 'SC' Community Certificate of respondents 4 to 6 and punish them in accordance with law as contemplated in Indian Penal Code for obtaining fake community certificate and using as genuine.

For Petitioner :: Mr.S.Anandakumar

For Respondents :: Mrs.S.Anitha
Special Government Pleader
for R1 to R3
No appearance for R4 to R6

ORDER

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

This writ petition is filed for issuance of a mandamus to direct the respondents to consider the representation of the petitioner dated 08.10.2021 regarding cancellation of the Scheduled Caste community certificate of the respondents 4 to 6.

2. The petitioner lodged a complaint before the Inspector of Police, Ashok Nagar Police Station on 10.10.2019 against the private respondents



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and their mother for the alleged offence punishable under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and for other IPC offences. It appears that the complaint was not entertained on the basis of enquiry report stated to have been submitted by the Deputy Commissioner of Police, T.Nagar, Chennai to the effect that the private respondents also belong to the Scheduled Caste community and that therefore no further action will be taken on the complaint lodged by the petitioner. It is in the said context, the petitioner submitted a representation dated 22.03.2021 to the National Commission for Scheduled Castes stating that the police officials have not conducted proper enquiry before coming to the decision as to the community status of the private respondents.

3. Though the petitioner has given some factual details about the community status of the private respondents, the learned counsel for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the official respondents to consider the representation of the petitioner within a stipulated time.



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4. Though the respondents 4 to 6 are impleaded, they did not appear either in person or through a counsel despite notice being served on them.

5. This Court, having regard to the limited scope of prayer that is now made by the petitioner's counsel, dispense with notice to the respondents 4 to 6. The Tahsildar has also submitted a report to the District Collector specifically to the effect that he is unable to get the basis for the certificate which was issued to the private respondents earlier and for a decision by the District Level Scrutiny Committee after following the procedure. In the said circumstances, this Court, without expressing any opinion on the merits of the petitioner's representation or the specific contents of the petitioner in the affidavit filed in support of the petition, directs the first respondent to consider the representation of the petitioner and take appropriate action in accordance with law after issuing notice to the petitioner as well the private respondents, namely, respondents 4 to 6. It is open to the District Collector to verify the community status of the private respondents 4 to 6 on the representation of the petitioner, if it is found necessary as Chairman of the District Level Scrutiny Committee, following the procedure required in law.



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After holding enquiry and the order that may be passed by the District Level Scrutiny Committee on verification of the community status of private respondents, the District Collector, Chennai shall pass appropriate orders and communicate the outcome of the enquiry to the petitioner, within a period of sixteen weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. There shall be no order as to costs.

Index : yes/no

(S.S.S.R.,J.)

(N.S.,J.)

Neutral citation : yes/no

10.01.2024

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