



W.P.Nos.33909, 33912 of 2024 etc.batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2024

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.Nos.33909, 33912, 33916, 33921, 33922

33926, 33930, 33931, 33939 and 33944 of 2024 and

WMP Nos.36724, 36725, 36726, 36731, 36733, 36737, 36741,

36742, 36746, 36748,36750, 36751,36752, 36754, 36756,

36758 and 36759 of 2024

W.P.No.33909 of 2024

1. V.P.Umapathy
2. D.Yogesh
3. D.Sivakumar

... Petitioners

Vs.

- 1.The District Collector,
Tiruvallur District, Tiruvallur.
2. The Revenue Divisional Officer,
Tiruttani, Tiruvallur District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari calling for the records relating to the order of cancellation of community certificate of the petitioners in Na.ka.no.J3/3196/2020-21 dated 10.10.2024 on the file of the first respondent and quash the same.

W.P.No.33909 of 2024

For Petitioners : Mr.S.Doraisamy

For Respondents : Mr. P.Kumaresan, Addl.Advocate General

Assisted by Mr.Vadivelu Deenadayalan,

Addl.Govt. Pleader

COMMON ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

All the writ petitions have been filed by the petitioners to quash the order passed by the first respondent dated 10.10.2024, cancelling the community certificate issued to them, in which it was certified that they belonged to Kondareddis Community, which is classified as Scheduled Tribe Community.



2. By consent of both the parties, these writ petitions were taken up for final hearing at the admission stage itself.

3. According to the petitioners, they belonged to Kondareddis (ST) Community. The Revenue Divisional Officer concerned has also issued the ST Community Certificate, certifying that they belonged to Kondareddis Community, after proper verification of documents and enquiry conducted by the official concerned. In such circumstances, the first respondent has issued a notice to the petitioners to appear for enquiry, based on the third party complaint, to verify the ST community Certificate. The petitioners also appeared before the first respondent and submitted all the relevant documents in support of their claim. However, the first respondent had cancelled the ST community certificates issued in favour the petitioners, stating that the community certificates are not genuine. According to the petitioners, the first respondent has passed the said order without proper application of mind and hence they filed the writ petitions.



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4. It is contended by the learned counsel for the petitioners that once the Revenue Divisional Officer has issued the community certificates in favour of the candidates as they belonged to ST Kondareddis community, the genuineness of the community certificate can be verified only by the State Level Scrutiny Committee and the District Collector has no power or authority to cancel the community certificates, unless it is found that the community certificates were obtained by forgery. Therefore, the impugned order passed by the first is respondent liable to be quashed.

5. Learned Additional Advocate General appearing for the respondents informed us that, as per G.O.(2D) No.108 Adi Dravidar and Tribal Welfare (CV-I) Department dated 12.09.2007, the government has modified the constitution of the i) District Level Vigilance Committee and ii) State Level Scrutiny Committee as well as their functions and as per the above order, the State Level Scrutiny Committee alone can scrutinize the genuineness of the ST community Certificate.



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6. Heard the learned counsel for the petitioners and the learned counsel for the respondents and we have perused the materials on record.

7. It is seen from the records that already community certificates were issued to the petitioners by the concerned Revenue Divisional Officer certifying that the petitioners belonged to " Kondareddis" community. Subsequently, the first respondent herein had issued notice to 296 persons, including the petitioners for enquiry. After enquiry, the first respondent has come to the conclusion that the petitioners did not produce relevant materials to prove that they belonged to Kondareddi community and hence cancelled all the ST Community Certificates issued to the petitioners.

8. We have gone through the said G.O.(2D) No.108, dated 12.09.2007 and modification of the District Level Vigilance Committee and State Level Scrutiny Committee and also the guidelines issued thereon. The modification of the said constitution of the committees is reproduced as follows.



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" In supersession of the orders and guidelines issued on the subject, the government have now decided and ordered to modify the constitution of the above two committees as well as their functions as detailed below.

District Level Vigilance Committee	Functions
1. District Collector - Chairman 2. District Adi Dravidar and Tribal Welfare Officer - Member Secretary 3. An Anthropologist - Member	To scrutinize the genuineness of the community certificates issued as Scheduled Caste and to pass final orders. If aggrieved by the orders, appeal will lie only with the High Court, Madras under Article 226 of the constitution of India and then with Supreme Court under Article 136 of the Constitution of India
State level Scrutiny Committee	Functions
1. Secretary to Government Adi Dravidar and Tribal Welfare Department - Chairman 2. Director/Commissioner Tribal Welfare - Member Secretary 3. An Anthropologist - Member	To scrutinize the genuineness of the community certificates issued as Scheduled Tribes and to pass final orders. If aggrieved by the orders, appeal will lie only with the High Court, Madras under Article 226 of the constitution of India and then with Supreme Court under Article 136 of the Constitution of India

Therefore, as per the above said G.O., only the State Level Scrutiny Committee is having power to scrutinize the genuineness of the community certificates issued as Scheduled Tribes and to pass final orders.



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9. In such circumstances, we have no hesitation to hold that the impugned orders passed by the District Collector, cancelling the ST Community Certificates issued in favour of the petitioners is liable to be quashed.

10. Accordingly, all the impugned orders passed by the first respondent dated 10.10.2024 are hereby quashed and all the writ petitions are allowed. There shall be no order as to costs. It is always open to the State Level Scrutiny Committee to verify the genuineness of the community certificates issued in favour of the petitioners as they belonged to ST Kondareddis community. Connected WMP Nos.36724, 36731, 36741, 36746, 36750, 36754, 36758 seeking permission to file a single writ petition are allowed, since separate sets of court fees is paid. Connected WMP Nos.36725, 36726, 36733, 36737, 36742, 36748, 36751, 36752, 36756 and 36759 are closed.

(D.K.K.J.) (P.B.B.J.)

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Internet: Yes/No
Index : Yes/No
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To

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1. The District Collector,
Tiruvallur District, Tiruvallur.
2. The Revenue Divisional Officer,
Tiruttani, Tiruvallur District.
3. Secretary to Government,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai.



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D.KRISHNAKUMAR, J.

and

P.B.BALAJI, J.

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