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W.P.Nos.33136 & 32400 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.Nos.33136 & 32400 of 2023

and

W.M.P.Nos.32826 & 32036 of 2023

R.Ranjithkumar

... Petitioner
in both writ petitions

Vs.

1.The District Level Vigilance and
Monitoring Committee (DLVMC),
Represented by its Chairman,
District Collector,
Collectorate,
Ranipet,
Ranipet District.

2.The Executive Member,
The District Level Vigilance and
Monitoring Committee (DLVMC) &
District Adi Dravidar and
Tribal Welfare Officer,
Ranipet,
Ranipet District.



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3. The Member,
The District Level Vigilance and
Monitoring Committee (DLVMC) &
Anthropologist,
Madras University,
Chennai – 600 005.
4. The District Collector/
Inspector of Panchayats,
Collectorate,
Ranipet,
Ranipet District.
5. The Assistant Director (Village Panchayat)
Collectorate,
Ranipet,
Ranipet District.
6. The Block Development Officer,
(Village Panchayat)
Timiri Panchayat Union,
Ranipet District.
7. Megala
1. The District Collector/
Inspector of Panchayats,
Collectorate,
Ranipet,
Ranipet District.

... Respondents
in W.P.No.33136 of 2023



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2.The Block Development Officer,
(Village Panchayat)
Timiri Panchayat Union,
Ranipet District.

3.The District Level Vigilance
Committee represented by its
Chairman,
Collectorate,
Ranipet,
Ranipet District.

... Respondents

Prayer in W.P.No.33136 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records pertaining to the impugned order dated 04.08.2023 made in Na.Ka.K5/63/2022 (served on 17.11.2023) passed by the respondents 1 to 3, quash the same.

Prayer in W.P.No.32400 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records pertaining to the impugned order dated 06.11.2023 made in Na.Ka.No.A1/3241/2023 (served on 07.11.2023) passed by the 1st respondent, quash the same.

For Petitioner : Mr.T.Mohan
Senior Counsel
for Mr.P.Krishnan
in both writ petitions



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For R1 to R5 : Mrs.V.Yamuna Devi
Special Government Pleader
in W.P.No.33136 of 2023

For R6 : Mr.P.Ganesan
Additional Government Pleader
in W.P.No.33136 of 2023

For R7 : Mr.K.Senthil Kumar
in W.P.No.33136 of 2023

For R1 and R3 : Mrs.V.Yamuna Devi
Special Government Pleader
in W.P.No.32400 of 2023

For R2 : Mr.P.Ganesan
Additional Government Pleader
in W.P.No.32400 of 2023

ORDER

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

W.P.No.33136 of 2023 is filed challenging the order passed by the respondents 1 to 3, dated 04.08.2023. W.P.No.32400 of 2023 is filed challenging the order passed by the 1st respondent, dated 06.11.2023.



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belongs to Hindu-Kuravar Community, which is listed under Sl.No.30 of the List of De-Notified Communities, and that the petitioner, who had contested the election in the category of Scheduled Caste for the post of Panchayat President cannot continue in view of the false certificate produced by the petitioner. The petitioner has also challenged the order dated 06.11.2023 in W.P.No.32400 of 2023. While the writ petition is pending, the petitioner states that he submitted a representation dated 08.11.2023 before the 4th respondent to furnish a copy of the order of the District Level Committee, dated 04.08.2023. It was thereafter, the petitioner states that he obtained a copy of the order and challenged the same in W.P.No.33136 of 2023.

3.Learned Senior Counsel appearing for the petitioner, after reading the impugned order, would point out that the District Level Committee has not even conducted a full fledged enquiry which is required to be done by the District Level Committee, as per the directions of the Hon'ble Supreme Court and as per the Government Order issuing certain directions to the officials in the matter of verification of community status in respect of Scheduled Caste and Scheduled Tribe.



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4.It is true that any verification of community status regarding Scheduled Caste community should be done only by the District Level Scrutiny Committee. The verification should be based on field inspection report by the District Vigilance Committee and with the participation of Anthropologist. The petitioner has produced several Community Certificates of petitioner's family members and relatives. A list of 34 persons is also indicated in the affidavit filed in support of this writ petition. The learned Senior Counsel further states that, by a cryptic order, the District Level Scrutiny Committee has concluded that the petitioner's claim that he belongs to the community Kuravan, is not supported by any document. The learned Senior Counsel also pointed out that the impugned order suffers from legal *mala fides* due to procedural infirmities and politically motivated, as the decision is at the instance of a rival candidate who has personal interest, and only due to political pressure and influence, this impugned order has come. The learned Senior Counsel also submitted that the reasons stated in the impugned order and the conclusion therein do not reflect proper consideration and application of mind as to the documents that are available even before the Scrutiny Committee. The learned Senior



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Counsel focused that the community "Kuravar" and "Kuravan" are not different and they are the synonym of the same community. Though there is reference to a community by name "Koravar" which is listed under De-Notified Communities, the learned Senior Counsel pointed out the community "Koravar" referred to in the list of De-Notified Communities has nothing to do with the community "Kuravan", as the name is totally different from the name either "Kuravar" or "Kuravan" which is found in the certificates produced by the petitioner for himself and for his relatives. The learned Senior Counsel also pointed out that the verification should be only in accordance with the directions of the State Government, following the judgment of the Hon'ble Supreme Court in ***Kumari Madhuri Patil and another v. Additional Commissioner, Tribal Development and others*** reported in ***(1994) 6 SCC 241***, and the subsequent directions in several cases. Pointing out that the District Vigilance Committee has not submitted any report nor a copy of the report was served on the petitioner, the learned Senior Counsel submitted that the order impugned is liable to be set aside. Similarly, the learned Senior Counsel also pointed out that the report of the Anthropologist is not furnished and hence, the impugned order suffers from



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material irregularity and opposed to principles of natural justice and hence, unsustainable.

5.Learned Special Government Pleader tried to convince this Court that the community "Koravar" comes under the list of De-Notified Communities and therefore, the petitioner is not entitled to get a Community Certificate confirming his community status as "Kuravar" which falls under SC category. Learned Special Government Pleader submitted that the petitioner was given sufficient opportunity, by issuing notice for enquiry, which is also admitted by the petitioner himself, to contend that there was no violation of principles of natural justice.

6.Learned counsel appearing for the private respondent, namely the 7th respondent, also made his submission supporting the order passed by the District Level Scrutiny committee. The learned counsel, referring to the discrepancies in the certificates produced by the petitioner and some corrections in the certificates, submitted that the decision of District Level Scrutiny Committee cannot be interfered with. He also submitted that the



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community by name "Koravar" belongs to MBC and the certificate obtained by the petitioner stating that he belongs to Scheduled Caste is fake and therefore, his election as President of Panchayat is liable to be set aside.

7. We have considered the rival submissions. This Court, going through the impugned order, finds that the same is in violation of specific guidelines issued by the Hon'ble Supreme Court and the State Government which are required to be followed at the time of verification of Community Certificate of an individual. In the present case, the petitioner has produced before this Court the certificates of his relatives to show that the community status of his close relatives are acknowledged and not questioned by any one so far. Even the petitioner's Community Certificate issued by the competent authority shows that the petitioner is given a certificate to the effect that he belongs to Hindu-Kuravan Community, belonging to Scheduled Caste. Similarly, the petitioner's siblings have also obtained Community Certificates showing them as "Kuravan". The learned Special Government Pleader is unable to produce any record to disbelieve the statement found in the affidavit filed in support of the petition showing the



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names of atleast 34 persons who are related to the petitioner. Atleast, 24 of them are blood relatives and everyone of them have obtained Community Certificate from the Tahsildar to show that they belong to the community Hindu-Kuravar or Kuravan, which comes under Scheduled Caste.

8.This Court is unable to get whether any field inspection had been conducted by the Vigilance Cell in the native place of the petitioner. Surprisingly, the impugned order is passed by the District Committee on the basis of the statements given by the Village Administrative Officer and other Revenue officials. Except raising some doubt indicating that some of the Community Certificates the petitioner has produced would show some corrections and suspecting something on account of fact that the name "Hindu" is not along with "Kuravan" in some of the Certificates produced by the petitioner, absolutely, there is no logic in the conclusion. Surprisingly, the District Level Committee also found that, as per the spot inspection and as per the Village Administrative Officer's report, the petitioner belongs to Hindu-Kuravar community which comes under Scheduled Caste Category. However, the Tahsildar, Arcot Taluk, without



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giving reasons, has given a statement before the District Committee that the petitioner belongs to "Koravar" Community which comes under MBC Category. Despite that the District Collector appears to have recorded a specific finding that he is satisfied about the genuineness of the claim of the petitioner as regards his community status, the District Collector has referred to the statement of Revenue Divisional Officer to the effect that the petitioner belongs to a community by name "Koravar" which comes under MBC. It is to be noted that the learned Special Government Pleader is unable to produce the list of De-Notified Communities or any other list to show that the community "Kuravar" or "Kuravan" comes under any of the list either under De-Notified Communities or under Most Backward Class or Backward Class. When the existence of a community by name "Kuravar" under any other category is not proved by any document, this Court is unable to find any substance or logic in the conclusion reached by the District Level Scrutiny Committee that the petitioner is not belonging to a Scheduled Caste Community.

9.In the absence of any report from the District Vigilance Committee



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or Anthropologist, this Court is inclined to remit the matter to the District Level Committee for fresh consideration, even though based on materials available, this Court is in favour of the petitioner's claim that he belongs to Scheduled Caste Community. Accordingly, the impugned order in W.P.No.33136 of 2023, dated 04.08.2023, passed by the respondents 1 to 3, is set aside and the matter is remitted to the 1st respondent in W.P.No.33136 of 2023/District Level Vigilance and Monitoring Committee (DLVMC) for fresh consideration. The 1st respondent/District Level Vigilance and Monitoring Committee (DLVMC) shall conduct fresh enquiry after following the procedure and guidelines which are issued by the Government in G.O.(Ms) No.104, Adi Dravidar and Tribal Welfare (CV-1) Department, dated 21.08.2023, and pass appropriate orders in accordance with law. Consequently, **the writ petition in W.P.No.33136 of 2023 is allowed.**

10.Since the order impugned in W.P.No.32400 of 2023 is on the basis of the order impugned in W.P.No.33136 of 2023, the order impugned in W.P.No.33136 of 2023, dated 06.11.2023, passed by the 1st respondent in



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W.P.No.32400 of 2023, is consequently set aside. As a result, **the writ petition in W.P.No.32400 of 2023 is also allowed.**

11.Learned counsel appearing for the petitioner submitted that, despite interim order granted by this Court, the petitioner is not allowed to exercise his cheque signing power and therefore, a Contempt Petition has been filed. We are not expressing any opinion on the merits of the Contempt Petition. Since the order dated 06.11.2023 is also set aside, there is no impediment for the petitioner to exercise his powers and function as full-fledged President of Panchayat. It is open to the petitioner to pursue the Contempt Petition, as this order will not stand in the way of pursuing the Contempt Petition which is only for violation of interim order passed by this Court. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (N.S., J.)
20.03.2024

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Index : Yes / No

Neutral Citation : Yes / No



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Ranipet District.
2. The Executive Member,
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Monitoring Committee (DLVMC) &
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