



W.P.No.2043 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.2043 of 2025

and

W.M.P.Nos.2385 & 2387 of 2025

V.Muthulakshmi

... Petitioner

Vs.

The Chairman,
State Level Scrutiny Committee-III
and Additional Secretary to Government,
Adi Dravidar and Tribal Welfare (CV-4) Department
Fort St. George, Chennai - 9.

... Respondent

PRAYER: Writ Petition Filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in its SLSC Enquiry Summon Letter No.9972/CV-4(1)/2010-17, dated 08.01.2025 and quash the same and consequently direct the respondents to conduct re-enquiry by the Vigilance Cell in a transparent manner as directed by the respondent in proceedings dated 23.03.2016.

For Petitioner : Mr.V.Vijayashankar

For Respondent : Mr.Vadivel Deenadayalan,
Additional Government Pleader



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W.P.No.2043 of 2022

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge in the Writ Petition is to the notice issued by the State Level Scrutiny Committee calling the petitioner for enquiry on 08.01.2025.

2. Earlier the State Level Scrutiny Committee attempted to verify the certificate issued to the petitioner and proceedings were launched. The State Level Scrutiny Committee by its order dated 16.05.2011 had cancelled the certificate issued to the petitioner. The said order was put in issue in W.P.No.13462 of 2011. By order dated 29.08.2011, a Division Bench of this Court had set aside the order of the State Level Scrutiny Committee and directed a fresh enquiry in accordance with law.

3. Pursuant thereto, the District Level Vigilance Cell sent a report on 25.03.2015 stating that upon a secret enquiry conducted in the Village it was found that the certificate issued to the petitioner to the effect that she belongs to Hindu - Palliyan, a Scheduled Tribe Community is not genuine. Thereafter, the Secretary to Government, Adi Dravidar Welfare Department directed the



W.P.No.2043 of 2022

Director, Tribal Welfare, Chennai to verify the genuineness of the community certificate issued to the petitioner by making **transparent enquiry** in the presence of the individual and forward the report.

4. Pursuant thereto, the District Level Vigilance Cell issued three notices dated 18.04.2016, 23.06.2016 and 04.10.2016 to the petitioner. All these notices were addressed to the petitioner at E-6/3 BSNL Quarters, Anna Nagar 3rd Avenue (East), Chennai 600 102. The petitioner sent replies seeking time. The last of the replies was sent on 14.10.2016 seeking two months time to produce the documents. According to the petitioner, thereafter the petitioner did not hear from the District Vigilance Cell. The petitioner however addressed the State Level Scrutiny Committee on 28.06.2022 seeking a direction to conduct a proper enquiry. In this letter the address of the petitioner was shown as R.K. Nagar Telephone Exchange Quarters, C5, II Floor, No.1, School Road, Mandaiveli, Chennai – 600 028. The State Level Scrutiny Committee also sent a reply requiring the petitioner to appear before it on 11.08.2022. This notice dated 27.07.2022 was also addressed to the same address at Mandaiveli. The petitioner sent a response on 10.08.2022 stating that the District Level Vigilance Cell was required to conduct transparent enquiry and the said enquiry has not been conducted. There was no response from the State Level Scrutiny



Committee.

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W.P.No.2043 of 2022

5. Again after nearly 2 ½ years on 08.01.2025, the State Level Scrutiny Committee sent a notice requiring the petitioner to appear for enquiry on 23.01.2025. Contending that the conduct of enquiry by the State Level Scrutiny Committee without the report of the District Level Vigilance Cell is improper, the petitioner has approached this Court.

6. Upon notice, the records have been produced and a status report has been filed by Mr.V.Janakiraman, Chairman of the State Level Scrutiny Committee - III. As per the said report after the order was passed by the Secretary to Government to conduct a transparent enquiry, notices were sent to the petitioner on 18.04.2016, 23.06.2016, 04.10.2016 and 17.08.2022. While the petitioner had responded to the letters sent to her in 2016 the letter sent to her on 17.08.2022 requiring her to appear for enquiry was returned with an endorsement that there is no such person is residing in the said address.

7. From the original records it is found that the said petitioner gave her Anna Nagar address. The gap between 04.10.2016 and 17.08.2022 remains unexplained. The petitioner has shifted to Mandaiveli, in the mean time, due to



W.P.No.2043 of 2022

her transfer and she also addressed the State Level Scrutiny Committee from her Mandaiveli address and the State Level Scrutiny Committee also responded to her even in July 2022. Therefore, the subsequent notice sent on 17.08.2022 ought to have been sent to her Mandaiveli address and not to the Anna Nagar address.

8. Of course, a plausible explanation is sought to be given to the effect that the District Level Vigilance Cell is operating from Salem and the State Level Scrutiny Committee operates from Fort St. George, Chennai-9. Therefore, the District Level Vigilance Cell cannot be expected to be aware of the change in the address of the petitioner. No doubt, such an eventuality is possible. But the law requires that a person should be given reasonable opportunity and the procedure prescribed pursuant to the judgment of the Hon'ble Supreme Court in *Kumari Madhuri Patil Vs. Additional Commissioner* reported in *1994 (6) SCC 241* should be followed scrupulously.

9. It is here that the delay of nearly 5 years and 10 months between 04.10.2016 and 17.08.2022 assumes significance. The petitioner cannot be expected to stay in the same place for ever, more so, when she is on a transferable job, till the District Level Vigilance Cell acts at its pleasure and



W.P.No.2043 of 2022

conducts an enquiry. After issuing the notice dated 17.08.2022 the District Level Vigilance Cell has proceeded *ex parte* and has forwarded a report dated 31.07.2023 and the said report has been forwarded by the Director of Tribal Welfare along with a covering letter dated 07.10.2023. Unfortunately, this report has also been forwarded to the address of the petitioner at Anna Nagar and not Mandaiveli. The Director is the Secretary of the State Level Scrutiny Committee also. Therefore, he cannot claim that he was not aware of the change in address. As we have already pointed out the State Level Scrutiny Committee has addressed the petitioner at her Mandaiveli address even during July 2022. It is therefore clear that a reasonable opportunity has been denied to the petitioner because of the delay that has been caused by the District Level Vigilance Cell in conducting the enquiry.

10. Hence, the Writ Petition will stand **allowed**. No costs. Consequently, the connected miscellaneous petitions are closed. Notice issued by the State Level Scrutiny Committee dated 08.01.2025 will stand set aside. There will be a direction to the District Level Vigilance Cell to conduct an enquiry afresh by sending notice to the petitioner at her Mandaiveli address and such an enquiry shall be completed as expeditiously as possible at any rate within six (6) months from the date of receipt of a copy of the order. Upon



W.P.No.2043 of 2020

completion of enquiry, the Director, Adi Dravidar Welfare will forward a copy of the report and thereafter the State Level Scrutiny Committee will take up the enquiry.

(R.S.M.,J.) (C.K.,J.)
31.01.2025

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Index : No

Neutral Citation : No

Speaking order

To

The Chairman,
State Level Scrutiny Committee-III
and Additional Secretary to Government,
Adi Dravidar and Tribal Welfare (CV-4) Department
Fort St. George, Chennai - 9.



W.P.No.2043 of 2025

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W.P.No.2043 of 2025

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