



WEB COPY

WP No. 27907 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 27907 of 2023

and

WMP.No.27400 &27401 of 2023

1. M.Vadivelu
S/o.Murugareddi,
No.32/32, Dakshinamoorthy Cross
Street, Vetri Nagar, Periavallur,
Chennai-82.

Petitioner(s)

Vs

1. The Principal Secretary To Government,
Adi Dravidar And Tribal Welfare (cv4(1))
Department, Secretariat, Chennai-9.

2.The State Level Scrutiny Committee-III,
Rep. By Its Chairman,
Additional Secretary To Government,
Adi Dravidar And Tribal Welfare (CV-6) Department,
Fort St. George, Chennai-09.

3.The Director Of Tribal Welfare,
Chepauk, Chennai-05.



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4.The Asst. Commissioner Of Police,
Social Justice And Human Rights,
SC/ST Vigilance Cell,
Chennai-04.

5.The Principal Accountant General (G and SSA)
Tamilnadu And Puducherry,
Lekha Pariksha Bhavan,
No.361, Anna Salai, Teynampet, Chennai-18.

Respondent(s)

PRAYER

Calling for the entire records, leading to the impugned order Letter No.4106/ CV-4(1)/ 2015-2 dated 17.08.2016 on the file of the 1st respondent, Vigilance Cell Report Na.Ka. No.51/ ACP/ SJ and HR/ SC-ST/ VC/ Chennai/ 2017 dated 28.12.2018 on the file of the 4th respondent and Notice Na.Ka. No.Pa.Me./AA2/ 3873/ 2016 dated 07.02.2019 on the file of the 3rd respondent and consequential letter No.4106/ CV-6/ 2015-6 dated 02.05.2022 and No.4106/ CV-6/ 2015-7 dated 17.05.2022 on the file of the 2nd respondent and quash the same and to consequently forbear the respondents from re-opening the enquiry/ re-verification pertaining to the community certificate of petitioner.

For Petitioner(s): Mr.L.Chandrakumar
for Mr.N.Naganathan

For Respondent(s): Mr.P.Kumaresan
Additional Advocate General
asst by Mrs.E.Ranganayaki
Additional Government Pleader for R1-4
Mr.T.Ravi Kumar Standing Counsel for R5

**ORDER****(Order of the Court was made by S.M.Subramaniam J.)**

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The Writ on hand has been instituted challenging the Letter No.4106/ CV-4(1)/ 2015-2 dated 17.08.2016 on the file of the 1st respondent, Vigilance Cell Report Na.Ka. No.51/ ACP/ SJ and HR/ SC-ST/ VC/ Chennai/ 2017 dated 28.12.2018 on the file of the 4th respondent and Notice Na.Ka. No.Pa.Me./AA2/ 3873/ 2016 dated 07.02.2019 on the file of the 3rd respondent and consequential letter No.4106/ CV-6/ 2015-6 dated 02.05.2022 and No.4106/ CV-6/ 2015-7 dated 17.05.2022 on the file of the 2nd respondent.

2. Learned counsel for the 5th respondent brought to the notice of this Court that the petitioner earlier filed W.P.No.1792 of 2018 seeking relief to forbear the respondents from conducting enquiry regarding community certificate of the petitioner by re-opening enquiry/re-verification.

3. The Division Bench of this Court considered the issues and passed final orders dated 07.08.2018 in W.P.No.1792 of 2018 as follows,

“6. The verification process initiated by the Collector was not on the basis of the reference made to the Anthropologist. It was also not subjected to verification by the Vigilance Committee. There is a foolproof method now adopted by the Government pursuant to the judgment in Kumari Madhuri Patil (cited supra) to test the validity of the Certificate or the claim made by a party on the basis of his community certificate. The present proceedings were



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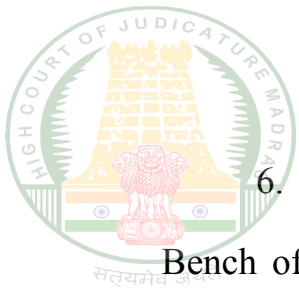
initiated only in accordance with the judgment of the Hon'ble Supreme Court and the relevant Order issued by the Government pursuant to the said judgment.

7. We are therefore of the view that the petitioner must face the enquiry proceedings initiated by the State Level Scrutiny Committee. It is open to the petitioner to produce materials before the Committee to substantiate his claim that he belongs to Konda Reddy Community. We hope that the State Level Scrutiny Committee also would give reasonable opportunity to the petitioner to explain his case.

8. The observation. No writ petition is dismissed petition is closed. costs. Consequently, with the connected above miscellaneous.”

4. The contention raised is that the petitioner, instead of approaching the State Level Scrutiny Committee for re-adjudication of the issues, have chosen to file the present writ petition. Disputed facts relating to community of a person cannot be adjudicated in a Writ proceedings and the State Level Scrutiny Committee is empowered to conduct the enquiry by verifying the documents and evidences by affording opportunity to the parties. Thereafter, the petitioner ought to have approached the High Court by way of another petition.

5. Mr.L.Chandrakumar, learned counsel for the petitioner would submit that further enquiry is impermissible.



6. However, petitioner himself approached the Court and the Division Bench of this Court granted liberty to the petitioner to produce the materials before the Committee to substantiate his claim that he belongs to Konda Reddy Community. That being the findings, the petitioner by filing a fresh Writ Petition cannot escape from the conduct of enquiry afresh.

7. Learned Additional Government Pleader would submit that State Level Scrutiny Committee has already commenced the enquiry in the case of the petitioner.

8. That being so, the petitioner is at liberty to defend his case. The State Level Scrutiny Committee is requested to complete the enquiry and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. The petitioner is directed to co-operate, and in the absence of any co-operation, the Committee shall proceed by recording his non-cooperation in the proceedings itself.

9. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

21-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
WEB COPY

1.The Principal Secretary To
Government,
Adi Dravidar And Tribal Welfare
(cv4(1)) Department, Secretariat,
Chennai-9.

2.The State Level Scrutiny Committee-
iii,
Rep. By Its Chairman, Additional
Secretary To Governemnt, Adi
Dravidar And Tribal Welfare (cv-6)
Department, Fort St. George, Chennai-
09.

3.The Director Of Tribal Welfare,
Chepauk, Chennai-05.

4.The Asst. Commissioner Of Police,
Social Justice And Human Rights,
Sc/st Vigilance Cell, Chennai-04.

5.The Principal Accountant General (g
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