

(2002) 11 MAD CK 0061

In the Madras High Court

Case No : Writ Petition No. 1496 of 1997

N. Muthukumarasamy

APPELLANT

Vs

The District Collector, The Revenue Divisional Officer/Sub
Collector, The Revenue Divisional Officer, Collector's Office
and Life Insurance Corporation of India

RESPONDENT

Date of Decision : 12-11-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 11 MAD CK 0061

Hon'ble Judges : P.K. Misra, J

Bench : Single Bench

Advocate : N. Kannadasan, for the Appellant; N.G. Kalaiselvi, Special Govt.
Pleader For Respondent 1-3 and M. Jagadeesan, Respondent-4, for the
Respondent

Final Decision : Allowed

Judgement

P.K. Misra, J.—Heard the learned counsels appearing for the parties. In this writ petition, the petitioner has prayed for issuing a writ

directing the respondents to forbear from proceeding with the verification of the community status of the petitioner.

2. A community certificate was issued in favour of the petitioner on 18.1.1984 by the Tahsildar, Madurai. Subsequently on the basis of such

community certificate, the petitioner was appointed as Stenographer under Life Insurance Corporation, the respondent No.4. It has been stated in

the petition that the petitioner's father, who was a resident of Tirunelveli District, was employed under Railways on the basis that he belongs to

Kattunaicken community, which was considered as Scheduled Tribe in the entire State of Tamil Nadu. The petitioner's father entered into service

in August, 1951. The petitioner was born in Madurai district and as such he obtained community certificate from the Revenue authorities in

Madurai district. The question having been raised by the employer before the Revenue Divisional Officer, Tirunelveli, an enquiry was conducted by

such Revenue Divisional Officer, who submitted his report dated 21.1.1995 addressed to the District Collector, Tirunelveli stating that the

petitioner belongs to Kattunaicken community. Keeping in view the aforesaid aspects, the petitioner prays that there is no further necessity to

enquire into the matter afresh and the petitioner is being unnecessarily harassed.

3. The learned counsel for the petitioner has placed reliance upon the decisions reported in 1998 LW 105 (S.P. SAKTHI DEVI v. THE

COLLECTOR OF SALEM, SALEM AND 3 OTHERS) and 2002(1) CTC 403 (Dr.Ve. MANOHAR Vs. THE DISTRICT COLLECTOR,

SIVAGANGAI DISTRICT AND ANOTHER). The assertion that the petitioner's father was employed on the footing that he belonged to

Kattunaicken community way-back in 1951 is not denied. The materials on record and also the subsequent correspondence from the railway

authorities to the Revenue Divisional Officer, Tirunelveli district indicate that the petitioner's father was employed under Railways as he belonged

to Kattunaicken community.

4. In the counter-affidavit filed on behalf of the State it has been indicated that since objections had been received from the Association, the

question had been raised and the enquiry was conducted.

5. After going through the materials on record and the averments made in the petition and the counter, I am of the view that the question raised

now is covered by two decisions cited by the learned counsel for the petitioner. It is obvious that the petitioner is being subjected to repeated

enquiries without valid justification. This conclusion is strengthened by the fact that about half century back, the father of the petitioner was

considered to be a member of Kattunaicken community.

6. For the aforesaid reasons, the writ petition is allowed. However, there would be no order as to costs.