

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)



FRIDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 22764 OF 2012

Between:

Sugali Brahmaiah, S/o. Sugali Gopal, aged 17 years, student, being
Minor Rep. By his father Sugali Gopal, resident of Siganmapalli village,
Atmakur Mandal, Anantapur District.

...Petitioner

AND

1. The Government of A.P.Rep.by its Director, Welfare Department, D.S.S Bhavan, Hyderabad.
2. The District Tribal Welfare Officer, Anantapur.
3. The District Collector, Anantapur., -
4. The Mandal Revenue Officer/Tahasildar, Atmakur Mandal, Anantapur district.
5. The Convener, EAMCET-2012 (Engineering) JNT University, Hyderabad.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any Writ, Order or Direction, more particularly one in the nature of Writ of MANDAMUS declaring the action of the respondents

No.3 directed to 4th Respondent to stop the issuance of the ST Community Certificates to the Thanda kamsali/Sugali kamsali people of Singam palli Thanda, Atmakur mandal, Anantapur District through proceeding Rc.No.MC.35569/ 2007 dated;2-10-2007 is as illegal, arbitrary, unjust and consequently direct the respondents to set aside the said proceedings and to issue ST Community certificates in the above said Thanda People and pass such other order or orders as this Hon'ble court may deem fit and proper circumstances of the case.

I.A. NO: 1 OF 2012(WPMP. NO: 29119 OF 2012)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No. 5 to allot the seat and to forward the name of the petitioner to his respective Education Institutions for prosecuting the study by the petitioner as ST Student together with benefits attached to ST Community pending disposal of the writ petition and pass such other order or orders as this Hon'ble court may deem fit and proper circumstances in the circumstances of the case.

Counsel for the Petitioner(s): SRI. INENI VENKATA PRASAD

Counsel for the Respondent Nos.1 to 2: GP FOR SOCIAL WELFARE

Counsel for the Respondent Nos.2 to 4: GP FOR REVENUE

Counsel for the Respondent No.5: SRI P VENU GOPAL

The Court made the following: ORDER

APHC010517972012

IN THE HIGH COURT OF ANDHRA



PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3329]

FRIDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 22764/2012

Between:

Sugali Brahmaiah, Anantapur District

...PETITIONER

AND

The Govt Of Ap Tribal Welfare Dept 4 Others and
Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. INENI VENKATA PRASAD

Counsel for the Respondent(S):

1. GP FOR REVENUE

2. GP FOR SOCIAL WELFARE

ORDER:

Heard the learned counsel for the petitioner and learned counsel for
the respondents.

The writ petition is filed for following relief:-

*To issue any nature of writ of mandamus
declaring the action of the respondent No.3
directed the 4th respondent to stop the issuance
of the ST community Certificates to the Thanda
Kamsali/Sugali Kamsali/Sanar people of Singam
palli thanda, Atmakur mandal, Anantapur District
through proceeding Rc.No.MC.35569/2007
dated 02-10-2007 is as illegal, arbitrary, unjust
and consequently direct the respondents to set
aside the said proceedings and pass such order
or orders.*

The learned counsel for the petitioner submits that the proceedings in RC.No.MC.35569/2007 dated 02-10-2007, issued by the 3rd respondent, prohibiting the issuance of Scheduled Tribe (ST) community certificates to the Thanda Kamsali/Sugali Kamsali/Sanar people of Singam Palli Thanda, Atmakur Mandal, Anantapur District. Consequently, the 4th respondent has not issued ST community certificates to the petitioner, despite the fact that Sugali Kamsali community is recognized as a Scheduled Tribe under the synonyms and subgroups of Banjaras. However, on 24.08.2007, the 1st respondent directed the 3rd respondent to conduct an enquiry and take necessary action regarding the alleged issuance of false certificates to the Kamsali Sugali community. The 3rd respondent, without conducting enquiry, issued proceedings RC.No.MC.35569/2007 dated 02-10-2007 directing the 4th respondent to stop the issuance of ST certificates to the Thanda/Sugali Kamsali community in Singam Palli Thanda until further orders. Hence, this writ petition.

The learned Government Pleader for the respondents submits that the members of the Sugali community are not Scheduled Tribes and their community is not mentioned in the list of Scheduled Caste and Scheduled Tribes under the Andhra Pradesh (Scheduled Castes, Scheduled Tribes

and Backward Classes) Regulation of Issue Community Certificates Act, 1993 (Act 16 of 1993).

This Court after hearing both the learned counsel noticed that it is a fact that "Sugali Kamsali" is not mentioned in Act-16 of 1993, and observed that there is a report in their favour dated 07.06.2001 by which the Director of Tribal Cultural Research and Training Institute, Government of Andhra Pradesh, conducted an enquiry and clearly recommended that Sugali Kamsali community people are to be treated as Scheduled Tribes. No reasons were mentioned as to why the report is not being followed.

In addition to this, there are number of orders passed by the learned single Judges of this Court including a common order in WP.Nos.21084 of 2010 and 20713 of 2011, wherein the benefit of an interim order was extended not only to the petitioners therein, but also to all other members of the said Village, who are on the same footing. Till date, the further enquiry has not been completed. From 2007 to 2019, the situation is still in a limbo.

In that view of the matter, this Court is of the opinion that the enquiry cannot be kept pending for years. There should be a quietus to this issue. The respondents are therefore, directed to initiate de novo proceedings or as an alternative measure accept the report submitted earlier by the

Director of Tribal Cultural Research and Training Institute bearing R.C.No.263/2001/TRI/TEEC., dated 07.06.2001. The option is left open to the Government either to conduct a fresh de novo or to consider the earlier report.

In this interim period, the respondents are directed not to reject any application made by the people of Singam Palli Thanda, if it is otherwise in order and contains all the necessary details. It is needless to say that any certificate that is issued will be subject to result of the enquiry that will be conducted by the Government or its acceptance of the earlier report.

With the above directions, the writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

//TRUE COPY//

S/D/- V.SATYANARAYANA
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Director, Government of A.P., Welfare Department, D.S.S Bhavan, Hyderabad.
2. The District Tribal Welfare Officer, Anantapur.
3. The District Collector, Anantapur., -
4. The Mandal Revenue Officer/Tahasildar, Atmakur Mandal, Anantapur district.
5. The Convener, EAMCET-2012 (Engineering) JNT University, Hyderabad.
6. One CC to Sri. Ineni Venkata Prasad, Advocate [OPUC]
7. Two CCs to GP For Revenue, High Court Of Andhra Pradesh. [OUT]
8. Two CCs to GP For Social Welfare, High Court Of Andhra Pradesh. [OUT]
9. One CC to Sri P Venu Gopal, Advocate [OPUC]
10. Three CD Copies

HIGH COURT

DATED:30/08/2024

ORDER

WP.No.22764 of 2012



DISPOSING OF THE WP WITHOUT COSTS