

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

T.W.D. – Appeal Petition filed by Sri Viboothi Kistaiah S/o Pochaiah, Koyagudem, Medchal, Ranga Reddy District – filed under section 7 of Act 16 of 1993, against the Proceedings of the District Collector, Ranga Reddy, dated 2.12.2003- Appeal rejected – Orders – Issued.

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SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No. 100

Dated: 30-12-2006  
Read the following:

- 1.Proceedings of the Collector, R.R.District. No.C2/8335/1997 dated 2.12.2003.
- 2.Appeal petition filed by Sri.V.Kistaiah S/o Pochaiah,Venkataramireddynagar, Koyagudem, Medchal, R.R.Dist before M(TW), dated. 20.12.2003.
- 3.Govt.Memo No. 100/CV.2/2004-1, dated 13.1.2004.
- 4.From the Collector, Ranga Reddy, Lr.No.C2/8335/97-1, dated 15.3.2005.
- 5.Govt. Telegram No.100/Cv.2/2004-7, dated 26.10.2006.

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ORDER:

Sri Viboothi Kistaiah S/o Pochaiah, Emp. in NFC., Hyderabad, has filed appeal petition before the Govt., against the Proceedings of the District Collector, Ranga Reddy District, canceling the ST “Lingadhari Koya” certificate issued to him, on following grounds:

GROUNDS

- (i) He belongs to “Lingadhra Koya” ST community, and his ancestors belong to Bodu Village of Tekulapally Mandal, Khammam District, A.P. His father V.Pochaiah, came to Medchal, Ranga Reddy District and settled there.
  - (ii) He studied Primary School at Yellampet of Medchal Mandal and his community name was mentioned in his School Records as “Lingadhari Koya”, and he studied 6<sup>th</sup> class in Sri Sai Patasala, at Picket, Secunderabad, and his relatives are at Peedamuseluru, Cherla (M), Khammam District.
  - (iii) The Migration Certificate issued to him by MRO., Tekulapalli, was cancelled by the District Collector, Khammam on the ground that the caste certificate was issued without proper enquiry.
  - (iv) He along with 12 others filed appeal before the Hon’ble Minister for Tribal Welfare, against the proceedings of the Collector, Khammam, dated 25.4.2002, and it was stayed by the Govt.
  - (v) District Collector, R.R.Dist. cancelled his caste certificate without conducting enquiry at Medchal or Bodu (V) of Khammam Dist.
  - (vi) He was not given proper opportunity to put for the his case before DLSC.
2. The District Collector, Ranga Reddy, vide reference 4<sup>th</sup> read above, has furnished facts of the case as under:

- (i) On a complaint made by NFC ST Association, the National Fuel Complex., Hyderabad, referred the matter of caste verification of Sri V.Kistaiah S/o Pochaiah, to Commissioner of Tribal Welfare, Hyderabad duly requesting for investigation. The investigation by Commissioner of Tribal Welfare, revealed that V.Kistaiah does not belong to ST Lingadhari Koya, but he belongs to Balasanthu or Bahrupi community (BC). Based on the report of the Commissioner of Tribal Welfare, NFC., requested the Collector, R.R.Dist. to cancel the caste certificate issued to Sri V.Kistaiah. Accordingly show cause notice was issued to the appellant, and after examining the appellant explanation, the ST certificate issued by the Tahsildar, Medchal was cancelled by the Joint Collector, on 7.10.1998. Aggrieved by the above orders, the appellant filed appeal before Govt. The Govt. vide Memo No.24657/CV.2/98-1,dated 23.1.1999 has remitted back the case to the District Collector, for enquiry sine the power to cancel the caste certificate is vested with District Collector. A show cause notice was issued by the

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District Collector, to the appellant. On 23.12.1999 Sri V.Kistaiah, submitted a petition along with migration-cum-caste certificate issued by the MRO., Tekalapalli, Khammam District, certifying that he belongs to St Lingadhari Koya and originally native of Bodu, Tekulapally Mandal of Khammam District and requested to confirm his caste as ST.

(ii) The Collector, Ranga Reddy District, addressed to District Collector, Khammam to verify the genuineness of the migration certificate. The Collector, Khammam, in his letter dated 20.5.2000 informed that on enquiry it is proved that Sri V.Kistaiah S/o Pochaiiah never lived in Takulapally and his fore fathers also never lived in Bodu village of Tekulapally (M) and migration-cum-caste certificate was issued without proper enquiry and action will be initiated to cancel the certificate. Hence the caste certificate bearing No.A5/7327/79 dated 5.10.1979 issued by the then Tahsildar was cancelled by the District Collector, Khammam, on 6.6.2000. The certificate holder Sri V.Kistaiah has filed WP No.11215 of 2000 before APHC., Hyderabad. The Hon'ble High Court in its orders dated 1.8.2001 disposed off the WP and directed the Collector to consider the grounds put before him by appellant as per the procedure laid down in the Act & Rules by referring the matter to District Level Scrutiny Committee.

(iii) As per the Rule 9 of AP SC/ST & BCs Rules 1997, the matter was referred to the Chairman, DLSC i.e. the Joint Collector, for enquiry. On this the applicant was issued notices to appear before DLSC. on 16.2.2002, 15.2.2003 and 20.6.2003 to substantiate his claim. The Certificate holder V.Laxmaiah and Nune Laxmaiah have deposed that the certificate holder Sri V.Kistaiah was born and brought up in Medchal and surrounding Villages of Ranga Reddy District and they are not aware of the native place of his father. He married one Miriam Ramulamma native of Somaram (V), Medchal (M). The surname of their family members and their relatives stated as 'Vibhuthi', 'Erupa', 'Prakampathi', 'Thurphti', 'Nookan', 'Nune', 'Chintala', 'Gandhi & Allmudu', and their marriages are made by mutual negotiations and they pray the Gods of Ramula Varu, Sammakka, Poleramma. The profession of their ancestors is hunting of animals, collecting honey, and presently their eke out by doing daily labour.

(iv) The case was posted for enquiry on 2.3.2002. The appellant attended enquiry along with C.Devender Reddy who was Sarpanch of Medchal (M) during 1978. The Sarpanch, produced House site Patta's certificate issued to Sri V.Kistaiah, and further stated that his father used to eke out his lively hood by fortune telling. On 15.2.2003, the appellant stated that he was born and brought up in Medchal and surroundings village of R.R.Dist. and not aware of the native place of his father, but in the affidavit filed by him in WP No. 11215 of 2000, he has deposed that his family originally hails from Bodu (V) of Tekulapalli (M) of Khammam District, and his father came to R.R.Dist. and settled at Medchal. He obtained migration -cum-caste certificate certifying that he belongs to ST Lingadhara Koya and native of Bodu (V), and he never resided in that village. Later the Collector, Khammam, has cancelled the said certificate and ordered to initiate criminal action as per the Act 16 of 1993. He changed his version before DLSC. stating that he is a native of Medchal and the native place of his father is not known to him. Due to this it is evident, he miss-represented the facts and played mischief before the APHC., Hyderabad and officials.

(v) Finally the DLSC. opined that the caste certificate obtained by V.Kistaiah at the time of joining in NFC., issued by the then Tahsildar, Medchal, is fraudulent and deserves cancellation. Findings of the DLSC. was also communicated to the appellant along with issuing show cause notice on 20.6.2003, giving 15 days time to explain / offer his representation if any, but he has not submitted any explanation to the Show -cuase notice. Hence the District Collector, cancelled his ST certificate vide Proceedings No. C2/8335/1997, dated 2.12.2003

3. The Case was posted for hearing on 31.10.2006. The appellant and his counsel were present and submitted their arguments.

4. Govt. after perusing the records of the Collector, Ranga Reddy District, and arguments of the appellant counsel observed that:

- (i) None of the relatives of the appellant are possessing ST Lingadhari Koya or Koya caste certificate as possessed by the appellant.
- (ii) Appellant admitted before the DLSC., Khammam on 28.9.2000 that neither himself nor his parents were born in Khammam District and that he has no relations in Khammam District.
- (iii) Hence, the Migration-cum-Caste Certificate obtained from the MRO., Tekulapalli on furnishing false information, was cancelled.

5. Further it is also seen from the Proceedings Rc.No.C2/8335/1997, dated 2.12.2003 of the District Collector, Ranga Reddy, that:

- (i) Appellant V.Kistaiah along with Sri Nune Laxmaiah appeared before the DLSC. and deposed that he was born and brought up in Medchal and surrounding villages of Ranga Reddy District and not aware of the native of his father.
- (ii) Surnames of their family members and their relatives were stated as Vibhuthi, Erupa, Parkam Pathi, Thurpati, Nukan, Nune, Chintala, Gandhi and Almodu (which pertain to Balasanthu a B.C.community) but not Veeram, a surname common in Koya tribe community.
- (iii) Since the District Collector, Khammam cancelled the Migration –cum-caste certificate issued by MRO, Tekulapalli and ordered to initiate criminal action as per the Act 16 of 1993, the appellant changed his version before the District Level Scrutiny Committee, Ranga Reddy stating that they are native of Medchal and the native place of his father is not known.

6. It is observed that the appellant along with others obtained caste certificates from the MRO, Quthbullapur and Medchal Mandal of Ranga Reddy District either as Koya or Lingadhari Koya according to their convenience without fully mentioning their surnames and only indicating the first letter of the surname. By taking advantage of this, the appellant have taken the surname of Veeram which is common among Koya /Lingadhari Koya community but on verification of the documents, the original surname is found to be "Vibhuthi" which is one of the surnames commonly found among Balasanthu /Budigi Jangam under BC community. It is also observed that District Collector has examined the case as per rules and proper opportunity was provided to the appellant to put forth his view or any documentary evidences in support of his caste status claim.

7. Further the appeal petition of petitioner along with 12 others before Govt. against the orders of the District Collector, Khammam was also rejected on following grounds vide G.O.Ms.No.82, SW (CV.2) Department, dated 6.11.2006.

- (i) Ethnographic characteristics of Lingadhari Koyas inhabiting the Scheduled Areas of Khammam District are similar to those of Koyas, the main tribe, while the claimant of Lingadhari Koya of Ranga Reddy District belong to an independent community without having any relationship with Koyas of Khammam district. Lingadhari Koya is not listed as ST separately but placed at Sl.No.18 along with the main tribe Koya and its other subgroups as per the SC, ST orders Act, 1976. The Supreme Court in Dadaji Alias Dina Vs. Sukhdev Babu (AIR, 1980 SC 150) case, after referring to the statement of objects and reasons of the Amendment Act 108 of 1976 and also report of Jt.Committee of Parliament held as follows:

"In certain entries, only one community is mentioned and in certain others, two or more communities are mentioned. It is obvious that certain communities have been grouped together under a single entry in the light of Article 342 of the Constitution which requires parts or groups within a tribal community also to be specified in the order issued there under. It is, therefore, reasonable to hold that the communities mentioned against any specific entry are those which have mutual affinity amongst them"

- (ii) The ethnographic and other details furnished by the appellant and the claimant of Lingadhari Koyas residing in Ranga Reddy District can be examined in the light of increasing false ST status claims as belonging to Lingadhari Koyas/ Koyas from a group of caste people called Balasanthus who are also called Bahurupi or Pagativeshagallu or Budigi Jangalu, residing in certain areas of Rangareddy District. This community is divided into a number of divisions/sub caste each following a distinct occupation. It is a nomadic group of traditional entertainers and caricaturists. They are experts in playing different roles. One of the sections of which has been specialized in donning the role of Koya /Lingadhari Koya. These persons donning as Koyas roam around the towns and villages by styling themselves as Koyas. They are endowed with certain talents in palmistry, astrology and face reading. These bogus koyas, in course of time, succeeded in convincing the gullible villagers and officers that they are the real koyas though they have no relationship of any kind with the genuine Koyas /Lingadhari Koyas inhabiting their traditional habitat. Various sub castes of this community registered associations under the name "Lingadhari Koya Sangham" and trying to avail the benefits meant for STs on the name of Lingadhari Koya tribe.
- (iii) The details of documentary evidences submitted by the appellants, observed that the appellants have obtained caste certificates from the MRO., Quthubullapur and Medchal Mandal of Ranga Reddy District either as Koya or Lingadhari Koya according to their convenience. For Instance, three appellants viz., Veeram Kistaiah, Veeram Yadagiri and Veeram Laxman have obtained caste certificates from the MRO., as V.Kistaiah, V.Yadagiri and V.Laxman respectively. Therefore, they have taken the surname of "Veeram" prefixed to their names which is common among Koya /Lingadhari Koya community. On verification of other documents produced by the Election Commission, their original surname is found to be "Vibudi" which is one of the surnames commonly found among Balasanthu/Budigi Jangam community. In the written statement obtained by the appellants, their surname is mentioned as "Veeram Vibudi" by adding "Veeram" to their original surname "Vibudi".

8. In view of the above, it is observed that the ethnographic study makes it clear that the appellant Sri V.Kistaiah, does not belong to "Lingadhari Koya" a Scheduled Tribe and it is concluded that he has obtained false certificate by following fraudulent practice. In views of the above, the orders of the District Collector, Ranga Reddy District, vide Proceedings No. C2/8335/97, dated 2.12.2003, are hereby upheld.

9. Therefore, after through verification of the records and in exercise of the powers conferred under section 8(1) of (SC, STs and BCs) Regulation of issue community certificates Act 16 of 1993, the appeal petition filed by Sri Veeram Kistaiah S/o Pochaiyah, is hereby dismissed, duly vacating the stay issued vide reference 3rd read above.

10. The records received from the District Collector, Ranga Reddy District, through the reference 4<sup>th</sup> read above, in original are returned herewith to the District Collector, Ranga Reddy, and he is requested to acknowledge the receipt of the same immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY,  
SECRETARY TO GOVERNMENT

To  
The District Collector,  
Ranga Reddy (WE) Original Record  
File bearing No. C2/8335/97, containing CF.Pages 1268.  
Sri V.Kistaiah, S/o Pochaiyah,  
R/o H.No.7-32, Venkataramireddynagar,  
Koyagudem, Medchal (Mandal),  
Ranga Reddy District.

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The PS to M(SW &TW)

The Secretary to Govt. (TW)

Sf/Sc.

//Forwarded::By Order//

SECTION OFFICER