

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.5535 of 2015

R.Srinivasan

.. Petitioner

Versus

1.The District Collector,
Vellore District,
Vellore.

2.The Tahsildar,
Katpadi Taluk,
Katpadi

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to furnish the correct particulars of the petitioner's nativity certificate on the basis of the nativity certificate issued by him on 16.10.2014 and withdraw the earlier communication sent by him dated 30.9.2014 in MMC4/7295/2014.

For Petitioner : Mr.D.Rajagopal
For Respondents : Mr.R.Vijayakumar
[AGP for R1 & R2]

ORDER

Heard Mr.D.Rajagopal, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice on behalf of the respondents and with the consent of the learned counsel on either side, the writ petition itself is disposed of.

2.The petitioner seeks for the direction upon the second respondent to furnish the correct particulars in the petitioner's nativity certificate, based on the nativity certificate issued to him on 16.10.2014. The petitioner would state that he is the permanent resident of K.V. Kuppam Panchayat and he had applied for distributorship of Indane Gas Cylinder. However, the same has been rejected on the ground that the petitioner is not a resident of K.V. Kuppam Village. In this regard a representation was given to the Indian Oil Corporation Limited along with the Residence certificate issued by the Tahsildar, Katpadi Taluk on 16.10.2014. After which,

it is stated that Indian Oil Corporation Limited, called for clarification from the authorities.

3.The grievance of the petitioner is that inspite of the clarification which was sought by the Indian Oil Corporation Limited, vide letter dated 30.09.2014, the Tahsildar without conducting any enquiry, has sent a communication to the Indian Oil Corporation Limited, stating that the petitioner is not a resident of K.V.Kuppam Panchayat. Therefore the petitioner seeks for withdrawal of letter dated 30.09.2014 sent by the Tahsildar, Katpadi Taluk and issue correct nativity certificate. It is to be noted that if the Indian Oil Corporation Limited has called for any particulars with regard to petitioner's nativity, then the Tahsildar before issuing any certificate should have issued notice to the petitioner, conducted an enquiry and thereafter issue a certificate. Since this procedure has not been followed, the Tahsildar has to conduct a fresh enquiry in the matter.

4. Accordingly, there will be a direction to the second respondent to consider the petitioner's representation dated 13.02.2015, issue notice to the petitioner and after affording an opportunity of personal hearing to the petitioner, conduct an enquiry and ascertain the correct nativity of the petitioner and issue certificate and communicate the same to Indian Oil Corporation Limited.

5. The above direction shall be complied with, within a period of two weeks from the date of receipt of a copy of the order.

The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rg/ds

To

1.The District Collector, Vellore District, Vellore.

2.The Tahsildar, Katpadi Taluk, Katpadi.

+ 1 cc to M/s. D. Rajagopal, Advocate SR.11651

+ 1 cc Government Pleader Sr.11870

W.P.No.5535 of 2015

RK (CO)

EU 12.03.2015