

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29/10/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.9488 of 2015

D.Krishnammal

... Petitioner

Vs

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the order of rejection in Na.Ka.7778/2014/A4 dated 23/1/2015 on the file of the respondent quash the same and direct the respondent to issue community certificate to the petitioner and her children viz., D. Hariprasanth and D.Mounika that they belong to Kurichchan (ST) Community based upon the community certificate already issued to the petitioner's paternal Uncle Rangadurai.

For petitioner : Mr.S.Doraisamy
For respondent : Mr.N.Sakthivel,
Government Advocate

O R D E R

(delivered by SATISH K.AGNIHOTRI,J)

With consent, the writ petition is taken up for final disposal.

2. Impugning the legality and validity of the proceedings in Na.Ka.7778/2014/A4 dated 23 January 2015 passed by the respondent, the petitioner has preferred this writ petition.

3. The sole contention of the petitioner is that the impugned order has been passed, rejecting the application for

grant of status-quo, de hors the procedure as prescribed by the Supreme Court and also approved by the State Government. It is submitted that the petitioner is entitled to a copy of the enquiry report, to enable her to put forward her case effectively and properly, whereas, she was served with the notice without the enquiry report as well as other relevant documents.

4. Mr.N.Sakthivel, learned Government Advocate appearing for the respondent, on instructions, fairly submits that though the petitioner was afforded an opportunity of hearing, however, the copy of the enquiry report, which is mandatory, was not supplied to her. Thus, the respondent be permitted to consider the matter afresh and pass a fresh order, after supplying a copy of the report and affording an opportunity of hearing to the petitioner.

5. In that view of the matter, it is not necessary to adjudicate the dispute in respect of the social status of the petitioner, at this stage. Accordingly, we set aside the impugned order and remit back the matter to the respondent for fresh consideration, as aforestated and pass an order within a period of six weeks from the date of receipt of a copy of this order.

6. This writ petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mvs.

To

The Revenue Divisional Officer
Dharmapuri, Dharmapuri District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.59119

+1cc to the Government Pleader, S.R.No.59143

W.P. No.9488 of 2015

MP(CO)

CA(20/11/2015)