

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.18149 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking following relief:

“to issue Writ of Mandamus declaring the action of the respondents, particularly the 4th respondent in not issuing the ST (Erukula) Community, nativity and date of birth certificate to the petitioner in pursuance of the Caste, Community and Nativity Certificates dated 08-08-2008 and 01-04-2015 issued by the 4th respondent respectively, in terms of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificate Act, 1993 (Act 16 of 1993), as arbitrary, illegal, discriminatory, malafide, violating Articles 14, 16, (4) and 21 of the Constitution of India, and consequently direct the respondents, particularly the 4th respondent to issue the ST (Erukula) Community, nativity and date of birth certificate to the petitioner in pursuance of the Caste, Community and Nativity Certificates dated 08-08-2008 and 01-04-2015 issued by the 4th respondent respectively, in terms of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act 1993 (Act 16 of 1993).”

Heard Smt. S.V. Indira, learned counsel for the petitioner and learned Government Pleader for Social Welfare (A.P.).

According to the petitioner, petitioner herein approached the revenue authorities to issue community certificate but the respondent authorities are not taking any steps to issue the fresh community certificate to the petitioner on the ground that certain disputes are going on among ST (Erukula) and Pamula (BC-D)

community, particularly living in Atmakur Mandal and other Mandals including in Erukula Sani village, Atmakur Division, SPSR Nellore District.

On the other hand, it is pointed out by the learned Government Pleader that there is absolutely no evidence on record to show that the petitioner herein approached the revenue authorities and submitted any application for issuance of community certificate under the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificate Act, 1993. No evidence is placed on record to show that any such application has been filed by the petitioner herein for issuance of Community Certificate in his favour.

For the aforesaid reasons and having regard to the nature of controversy, this writ petition is disposed of, permitting the petitioner herein to submit an appropriate application before the Mandal Revenue Officer, Chejerla Mandal, SPSR Nellore District – 4th respondent herein within a period of two (2) days from the date of receipt of a copy of this order. If any such application is filed the same shall be considered by the 4th respondent herein, in accordance with law and appropriate orders may be passed as expeditiously as possible keeping in view the prospects of the petitioner herein. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

June 22, 2015

Note: Furnish C.C.

today. B/o.Pn

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THE HON'BLE SRI JUSTICE A.V. SESA SAI

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