

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE V. BHARATHIDASAN

W.P.No. 11797 of 2016

K. Monihaasree (Minor)
Rep. by Mother and Natural Guardian K.Anitha,
Cedar B-9 Maple Orchard Ben
Foundation Padikuppam Road Anna Nagar West
Chennai-40. Petitioner

Vs

- 1 The Revenue Divisional Officer
Ambattur, Tiruvallur District.
- 2 The Tahsildar,
Ambattur, Tiruvallur District.
- 3 The Tahsildar,
Mettur, Salem District. ... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of Certiorarified Mandamus to call for the records from the first respondent in proceedings Na.Ka.No. 4584 2014/A4 dated 01.12.2014 quash the same and consequently direct the respondents to issue the Community Certificate in the name of the petitioner daughter namely minor K.Monihaasree that she belongs to Konda Reddis Scheduled Tribes Community based upon the Community Certificate already issued to the petitioner and her family members.

For Petitioner : Mr. A. Esakkiappan

For Respondents : Mrs. A. Srijayanthi
Special Govt. Pleader R1 to R3

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI,J.,)

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2. The minor petitioner is represented by her Mother and Natural Guardian and she has sworn in the affidavit on behalf of the petitioner. According to the petitioner's mother, she was issued with Konda Reddies (ST) community certificate on 30.06.1986 by the third respondent and her husband was also issued with such certificate on 22.11.1978. She made an application to the first respondent on 27.12.2012 seeking such community certificate for her daughter viz., Minor K. Monihaasree. After conducting detailed enquiry, the second respondent recommended for issuance of such community certificate. Thereafter, the first respondent passed an order dated 01.12.2014 stating that the petitioner's mother and her husband belong to Hindu Reddiyar community. Hence, the claim for issuance of Konda Reddies (ST) community certificate to the minor petitioner has been rejected by the third respondent. Thus, the petitioner has come up with the instant writ petition seeking quashment of the same and also to direct the respondents to issue fresh Konda Reddies (ST) community certificate to her.

3. Learned Special Government Pleader, on instructions, submits that the respondents may be given an opportunity to re-consider the entire issue and pass a fresh order in accordance with law and on its own merits.

4. Albeit the learned counsel for the petitioner has no objection for such course of action, he submits that some time frame may be stipulated for passing final orders.

5. In view of the aforesaid submissions of the learned counsel for the parties, the impugned order passed by the first respondent is set aside and the writ petition is disposed of with a direction to the respondents to re-consider the petitioner's application and pass a fresh order on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.
ra.

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1 The Revenue Divisional Officer
Ambattur, Tiruvallur District.

2 The Tahsildar,
Ambattur, Tiruvallur District.

3 The Tahsildar,
Mettur, Salem District.

+ 1 cc to M/s.A.esakkiappan, Advocate SR 26887

+ 1 cc to Govt.Pleaer SR 27384

ctk(co)

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W.P. No.11797 of 2016



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