

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.NO.1253 OF 2015

S.Rameshkumar

..Petitioner

Vs.

The Sub Collector
Hosur,
Krishnagiri District.

..Respondent

PRAYER: Writ Petition filed praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the rejection order of the respondent in Na.Ka.No.3451/2011(A4) dated 24.06.2014 quash the same and direct the respondent to issue community certificate to the petitioner that he belongs to "Kurichchan" (ST) Community based upon the community certificates issued to his blood relatives.

For Petitioner : Mr.M.P.Vairakkannan
for Mr.S.Doraisamy
For Respondent : Mr.S.Pattabiraman
Government Advocate

O R D E R

(Order of the Court was made by HULUVADI G.RAMESH, J.)

The petitioner seeks for issuance of writ of certiorarified mandamus, to call for the records relating to the rejection order of the respondent in Na.Ka.No.3451/2011(A4) dated 24.06.2014, quash the same and direct the respondent to issue community certificate to the petitioner that he belongs to "Kurichchan" (ST) Community, based upon the community certificates issued to his blood relatives.

2. Heard the learned counsel for the petitioner and the learned Government Advocate taking notice on behalf of the respondent.

3. The petitioner claims to belong Kurichchan Scheduled Tribe Community and he had applied to the respondent on 09.11.2009 seeking for issuance of Kurichchan Scheduled Tribe Community certificate to himself, by enclosing the relevant documents. As the said application was rejected, he was constrained to file W.P.No.24815 of 2010 seeking to quash the rejection order dated 05.01.2010 and for a direction to consider his application for issuance of community certificate. This Court, by order dated 02.11.2010 set aside the impugned order and remitted the matter back to the respondent for fresh consideration, after holding a detailed enquiry and after affording opportunity to the petitioner, within a period of three months. However, the application was rejected by the respondent by an order dated 26.08.2011. Thereafter, the petitioner challenged the rejection order in W.P.No.32571 of 2013 and this Court by order dated 12.02.2014, set aside the impugned order and remitted the matter back to the respondent and directed the respondent to consider the application afresh and to pass a reasoned order, within a period of six weeks. By the impugned order dated 24.06.2014, the respondent has once again rejected the application of the petitioner, which is under challenge in this writ petition.

4. In the light of the Government Order issued in G.O.Ms.No.147, Revenue (RA-3(2)) Department, dated 17.03.2016, since the petitioner has got a remedy of appeal as against the impugned order of rejection, we direct the petitioner to approach the appellate authority / District Collector, Krishnagiri District, with regard to the issuance of Kurichchan Scheduled Tribe Community certificate to him, within a period of one month from the date of receipt of a copy of this order and it is for the appellate authority / District Collector, Krishnagiri District, to take a decision in accordance with law, within a period of three months therefrom after affording opportunity to the petitioner.

5. With this direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)
//True Copy//

Sub Assistant Registrar

TK

To

1. The Sub Collector
Hosur, Krishnagiri District.
 2. The District Collector, Krishnagiri District
- + 1 cc to Mr.S. Doraisamy, Advocate SR.68838

W.P.NO.1253 OF 2015

SAR(CO)
EU 10.1.17



WEB COPY