

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.No.14409 of 2015

R.Kubendiran

... Petitioner

vs.

The Revenue Divisional Officer,
Harur,
Dharmapuri District

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, calling for the records relating to the order of rejection passed in proceedings in Pa.Mu.537/2014(A1), dated 13.04.2015, on the file of the respodent, quash the same and direct the respondent to issue community certificate to the sons of the petitioner, viz., 1.K.Vignesh Babu and 2.K.Ajay Suriya that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner and his brother and close blood relatives.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.P.S.Sivasubramanian,
Spl.G.P.

ORDER

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

The petitioner seeks for issuance of a writ of certiorarified mandamus, to call for the records relating to the order of rejection passed in proceedings in Pa.Mu.537/2014(A1), dated 13.04.2015, on the file of the respondent, quash the same and to direct the respondent to issue community certificate to the sons of the ptitioner, vis., 1.K.Vignesh Banu and 2.K.Ajay Suriya, stating that they belong to "Karumans (ST) Community".

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

3. The petitioner claims to belong to Kurumans Scheduled Tribe community and he had applied to the respondent on 09.05.2014, seeking for issuance of Kurumans Scheduled Tribe community certificate to his sons, 1.K.Vignesh Babu and 2.K.Ajay Suriya, by enclosing the relevant documents. After receipt of the said application, the respondent issued notice calling upon the petitioner to appear for an enquiry on 21.10.2014. The petitioner appeared before the respondent and also produced the relevant documents. Alleging that the respondent, without considering any of the documents produced by the petitioner, rejected his application, the petitioner is before this Court with this writ petition.

4. In the light of the Government Order issued in G.O.Ms.No.147, Revenue (RA-3(2) Department, dated 17.3.2016, 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, Dharmapuri District with regard to the issuance of Kuruman Scheduled Tribe community certificate to his sons, 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, Dharmapuri District, to take a decision in accordance with law within a further period of three months therefrom, after affording opportunity of personal hearing to the petitioner.

With the above direction, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msk

To

The Revenue Divisional Officer,
Harur,
Dharmapuri District

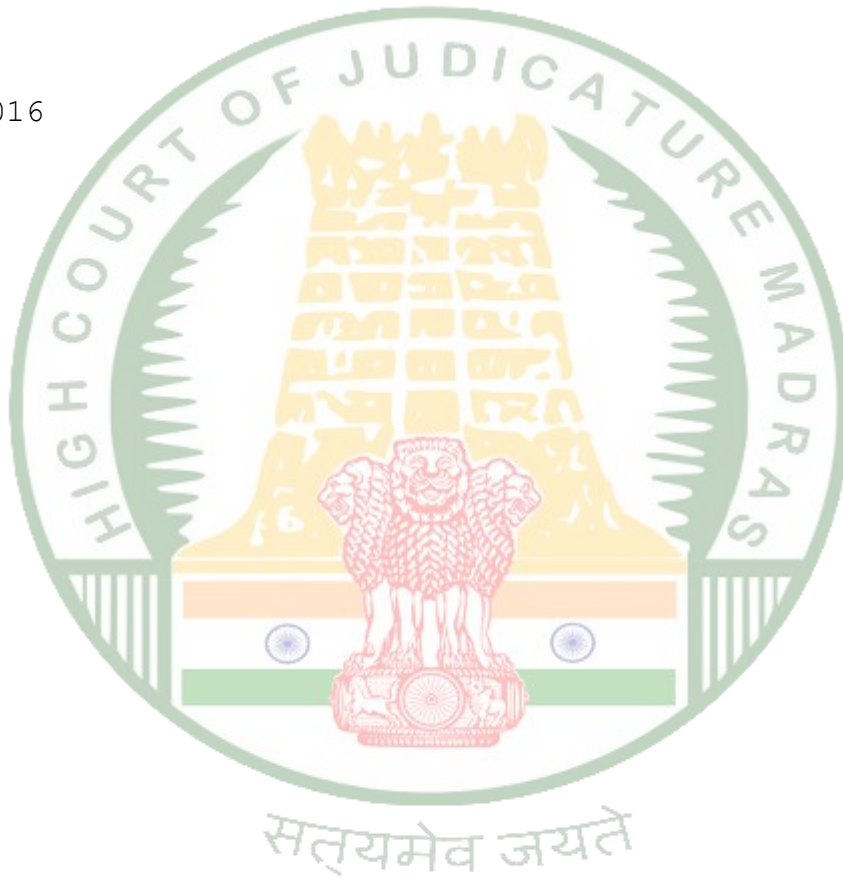
copy to

The Appellate Authority District Collector
Dharmapuri District

+1 cc to Mr.S.Doraisamy Advocate sr 68056
+1 cc to Government Pleader sr 68100

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