

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.1556 of 2016

R.Premkumar

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Office of the Revenue Divisional
Office, Ambattur,
Chennai - 53.

2. Veerappan,
The Revenue Divisional Officer,
Office of the Revenue Divisional
Office, Ambattur,
Chennai - 53.

.... Respondents

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 impugned order of the first respondent dated 22.07.2015 in Na.Ka.No.143/2014/Aa4 and quash the same and direct the first respondent to issue community certificates in favour of the petitioner, petitioner's wife and children - Ilayaraja, Akash and Dhanush within the stipulated time prescribed by this Court.

For Petitioner : Mr.R.Karthik

For Respondents : Mr.P.S.Sivashanmugha Sundaram,
Special Government Pleader

ORDER

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

Mr.P.S.Sivashanmugha Sundaram, learned Special Government Pleader accepts notice on behalf of the respondents. With the consent of the learned counsel appearing for the petitioner as well as the learned Special Government Pleader for the respondents, the writ petition is taken up for final disposal.

2.The instant writ petition is directed against the order dated 22 July 2015, whereunder the application of the petitioner for issuance of social status certificate belonging to Hindu Malaikuravan (ST) was rejected.

3.The petitioner, claiming to be belonging to Hindu Malaikuravan (ST) community, has made an application to the first respondent on 23 June 2014, seeking issuance of such community certificate to himself his wife - Radha and children - Ilayaraja, Akash and Dhanush. Since the said application was rejected, he has come up with the instant writ petition, seeking the aforestated relief.

4.Pursuant to our notice, the first respondent has filed a counter affidavit dated 22 February 2016. The learned Special Government Pleader appearing for the respondents fairly submits that the application of the petitioner was not examined properly in accordance with law.

5.On perusal of the impugned order, it is noticed that certain important aspects have been completely ignored. A report submitted by the Village Administrative Officer as well as the Revenue Inspector cannot be discarded on the face of it. The report of the Village Administrative Officer as well as the Revenue Inspector has to be given weightage, while examining all the documents. We, accordingly set aside the order dated 22 July 2015 and direct the first respondent to reconsider the application of the petitioner afresh in accordance with law and on its own merits as per the guidelines issued by a Division Bench of this Court, wherein, one of us (Satish K.Agnihotri, J.) was a Member, in G.Venkitasamy Vs. The Chairman, State Level Scrutiny Committee, Chennai². The petitioner is permitted to produce all the original relevant documents once again within a period of two weeks from today. The first respondent is directed to examine the application of the petitioner and take a decision thereon, within a period of four weeks thereafter. We make it clear that no further enquiry by the Village

Administrative Officer or Revenue Inspector may be initiated as the report was already submitted and it seems to be in favour of the petitioner.

6.With the aforestated observation and directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar
mmi

To

The Revenue Divisional Officer,
Office of the Revenue Divisional
Office, Ambattur,
Chennai - 53.

+1cc to Mr.R.Karthik, Advocate, S.R.No.20929
+1cc to the Government Pleader, S.R.No.21124

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KS(CO)
CA(07/04/2016)



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