

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.2188 of 2016

I.Manikandan

..Petitioner

-vs-

1. The Revenue Divisional Officer
Thirukoyilur, Villupuram District

2. The Director
Tribal Research Centre
M.Palada
Udhagamandalam-4

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the order of rejection passed in proceedings in Na.Ka.A2/1933/14 dated 04.11.2015 on the file of the first respondent, quash the same and direct the first respondent to issue community certificate to the petitioner, his wife Suganthi and son Venkat Sanjay that they belong to "Kattunayakan (ST) community".

For Petitioner :: Mr.S.Doraisamy

For Respondents:: Mrs.A.Srijayanthi
Special Government Pleader

ORDER

(Order of the Court was delivered 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 Na.Ka.A2/1933/14 dated 04.11.2015 on the file of the first respondent, quash the same and to direct the first respondent to issue community certificate to the petitioner, his wife Suganthi and son Venkat Sanjay stating that they belong to "Kattunayakan (ST) community".

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

3. The petitioner claims to belong to Kattunayakan Scheduled Tribe community and he had applied to the first respondent on 1.4.2014 followed by reminder on 21.5.2014 seeking for issuance of Kattunayakan Scheduled Tribe community certificate to himself, his wife and son, namely, Suganthi and Venkat Sanjay by enclosing the relevant documents. As the said application was not considered, he was constrained to file W.P.No.34099 of 2014 seeking for a direction to the first respondent to consider his pending application and this Court by order dated 22.12.2014 directed the first respondent to pass appropriate orders after holding a detailed enquiry and after affording opportunity to the petitioner within a period of eight weeks. However, the application was rejected by the first respondent by an order dated 23.4.2015. Thereafter, the petitioner challenged the rejection order in W.P.No.21636 of 2015 and this Court by order dated 18.8.2015, while recording the submission made by the learned Additional Advocate General that the impugned order would be treated as recalled, directed the first respondent to consider the application afresh and to pass a reasoned order within a period of four weeks. By the impugned order dated 4.11.2015, the first 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 17.3.2016, 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, Villupuram District with regard to the issuance of Kattunayakan Scheduled Tribe community certificate to himself, his wife and his son 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, Villupuram District to take a decision in accordance with law within a further period of two months therefrom after affording opportunity to the petitioner. With this direction, the writ petition stands disposed of. No costs.

ss

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Revenue Divisional Officer
Thirukoyilur, Villupuram District
2. The Director
Tribal Research Centre
M.Palada, Udthagamandalam-4

3. The District Collector
Villupuram District.

+ 1 cc to Mr.S.Doraisamy, Advocate Sr 38051

+ 1 cc to The Govt. Pleader, Sr 38368

KR/26/7/16

W.P.No.2188 of 2016



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