

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.2197 of 2016

R.Kamalakannan

..Petitioner

-vs-

1. The Revenue Divisional Officer
Tindivanam, 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.A2/3427/2015 dated 23.12.2015 on the file of the first respondent, quash the same and direct the first respondent to issue community certificate to the petitioner and his children viz., K.Deepika and K.Yuvanesh based upon the community certificate possessed by the wife of the petitioner.

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.A2/3427/2015 dated 23.12.2015 on the file of the first respondent, quash the same and direct the first respondent to issue community certificate to the petitioner and his children viz., K.Deepika and K.Yuvanesh based upon the community certificate possessed by the wife of the petitioner.

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 based upon the community certificate issued by the Revenue Divisional Officer, Ranipet on 9.6.93 to his wife stating that she belongs to Kattunayakan Scheduled Tribe community, he had applied to the first respondent on 26.7.2014 seeking for issuance of Kattunayakan Scheduled Tribe community certificate to himself and his children viz., K.Deepika and K.Yuvanesh by enclosing the relevant documents. As the said application was not considered, he was constrained to file W.P.No.29672 of 2015 seeking for a direction to the first respondent to consider his pending application and this Court by order dated 22.9.2015 directed the first respondent to pass appropriate orders after holding a detailed enquiry and as per the guidelines laid down by the Apex Court in Kumari Madhuri Patil's case within a period of eight weeks. However, the application has been rejected by the first respondent by the impugned order dated 23.12.2015, 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 and his two children 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.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Revenue Divisional Officer
Tindivanam, Villupuram District.
2. The Director, Tribal Research Centre,
M.Palada, Udhamandalam-4.
3. The District Collector, Villupuram District.

+ 1 cc to Mr.S.Doraisamy, Advocate Sr 38050
+ 1 cc to The Govt.Pleader, Sr 39326

KR/28/7/16

W.P.No.2197 of 2016