

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM:

THE HON'BLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

W.P.No. 575 of 2015

B.Narasimman

..Petitioner

Vs

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

..Respondent

Prayer :- Writ 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 rejection order of the respondent in Na.Ka.No.1921/2014/A4, dated 15.11.2014, quash the same and to direct the respondent to issue community certificate to the children of the petitioner viz., 1) N.Vasudevan and 2) N.Nithish that they belong to "Kurumans (ST) community".

For Petitioner :: Mr.S.Doraisamy

For Respondent :: Mr.R.Prathapkumar

Additional Government Pleader

ORDER

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

Heard Mr.S.Doraisamy, learned counsel for the petitioner and Mr.R.Prathap Kumar, learned Additional Government Pleader representing the respondent.

2. The case is in respect of issuance of community certificate. According to the petitioner, he and his family members belong to "Kurumans community", which is notified as a Scheduled Tribe. The petitioner has preferred an application before the respondent, on 15.03.2014, for the issuance of the community certificate for his two children. Since, no order was passed, the petitioner filed a Writ Petition in W.P.No.11797 of 2014 before this Court. This Court, by order dated 25.04.2014, directed the respondent to consider the said application

and pass orders within a period of four weeks. Thereafter, by the impugned order, dated 15.11.2014, the respondent/The Revenue Divisional Officer of Dharmapuri District, has rejected the claim of the petitioner. Challenging the impugned order passed by the respondent, dated 15.11.2014, thereby, rejecting the request of the petitioner to issue community certificate to his two children stating that they belong to "Kurumans (ST) community", the petitioner is before this Court with this Writ Petition.

3. Admittedly, as against the impugned rejection order passed by the respondent/The Revenue Divisional Officer, as per the Circular issued by the State Government in G.O.(Ms)No.147, Revenue [RA-3(2)] Department dated 17.03.2016, an appeal remedy is available to the petitioner before the Appellate Authority, viz., District Collector concerned. It is needless to state that as per the said Government Order, if such an appeal is filed before the District Collector and if any order is passed by the District Collector, by which, the petitioner is still aggrieved, it is open to him to file a revision before the State Level Scrutiny Committee.

4. Having regard to all the above, the petitioner is directed to approach the Appellate Authority, viz., the District Collector concerned, by way of an appeal, as against the impugned rejection order passed by the respondent, within a period of fifteen days from the date of receipt of a copy of this order. On such appeal being filed by the petitioner, it is for the District Collector to seek a report from the authority concerned with regard to the exercise being done to identify the caste of the petitioner and to pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of two months from the date of preferring the appeal by the petitioner. It is made clear that it is left open to the petitioner to urge all the contentions raised before this Court.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

paa

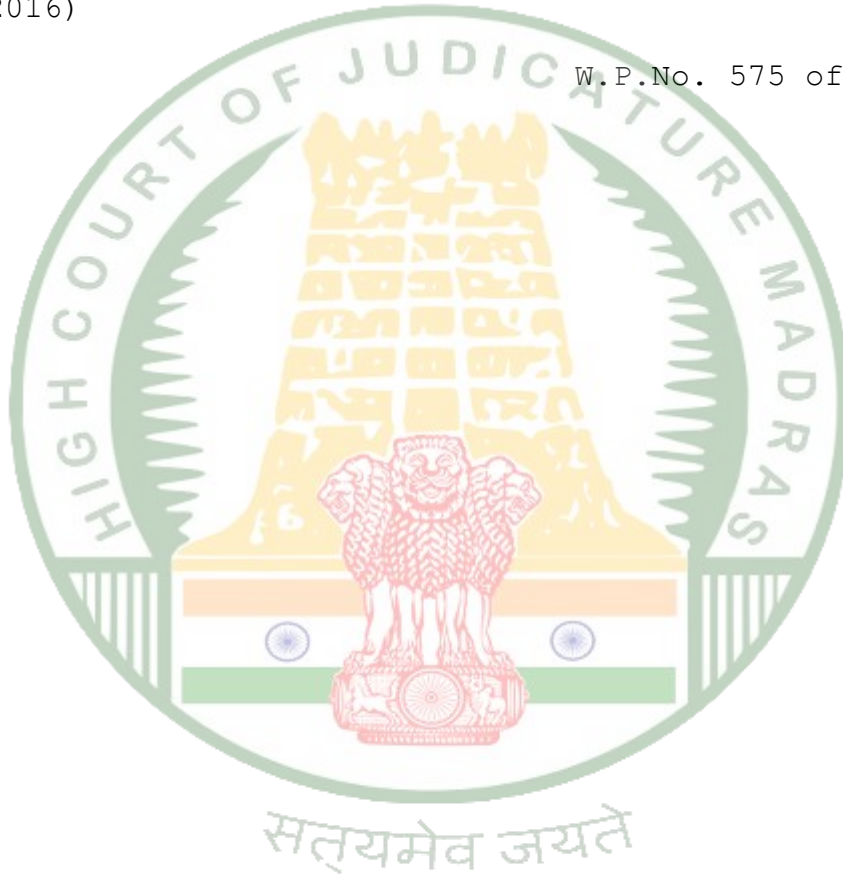
To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

+1cc to Mr.S. Doraisamy, Advocate, S.R.No.53717

TRM(CO)
EU(04/10/2016)

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