

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2016

CORAM

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

W.P.No.23324 of 2016

T.Sambath Kumar

.. Petitioner

-vs-

The Revenue Divisional Officer
Tindivanam 604 001
Villupuram District

.. Respondent

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.A2/544/16 dated 14.03.2016 on the file of the respondent quash the same and direct the respondent to issue community certificate to the petitioner and his daughters S.K.Pradeeksha and S.K.Hanuksha that they belong to Kattunayakan (ST) community based upon the community certificate already issued to the petitioner's father and his wife.

For Petitioner :: Mr.V.Elangovan

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

ORDER

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

The prayer in the writ petition is for issuance of a writ of certiorarified mandamus, calling for the records relating to the order of rejection passed in proceedings in Na.Ka.A2/544/16 dated 14.03.2016 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner and his daughters, namely, S.K.Pradeeksha and S.K.Hanuksha that they belong to Kattunayakan (ST) community based upon the community certificate already issued to the petitioner's father and his wife.

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 Kattunayakan Scheduled Tribe community and based on the community certificate issued to

his father and wife by the Tahsildar, Tindivanam and the Revenue Divisional Officer, Thirukoilur respectively, he had applied to the respondent on 29.8.2012 followed by reminder on 9.9.2013 seeking for issuance of Kattunayakan Scheduled Tribe community certificate to himself and his two daughters, namely, S.K.Pradeeksha and S.K.Hanuksha by enclosing the relevant documents. As the said application was not considered, he was constrained to file W.P.No.29397 of 2013 seeking for a direction to the respondent to consider his pending application and this Court by order dated 29.10.2013 directed the respondent to pass appropriate orders after holding enquiry and after affording opportunity to the petitioner within a period of two months. However, the application was rejected by the respondent by an order dated 16.3.2015. Thereafter, the petitioner challenged the rejection order in W.P.No.1402 of 2016 and this Court by order dated 18.1.2016, while setting aside the rejection order, directed the respondent to consider the application afresh and to pass a reasoned order on the ground that when the petitioner had produced a copy of the community certificate issued to his father, there is no reason to reject the application seeking for issuance of Kattunayakan Scheduled Tribe community certificate to himself and his two daughters. This Court also observed that if at all any doubt crops up in the mind of the competent authority qua the genuineness of the community certificate relied on by the petitioner, the only course open to the competent authority is to refer the same to the State Level Scrutiny Committee, but not to take a contrary stand by discrediting the same. By the impugned order dated 14.3.2016, the petitioner has been informed that the matter has been placed before the State Level Caste Scrutiny Committee and after receipt of the orders, the application of the petitioner will be considered.

4. In the light of the above, we direct the petitioner to approach the appellate forum/State Level Caste Scrutiny Committee, which is a fact finding body, with regard to the issuance of Kattunayakan Scheduled Tribe community certificate to himself and his two daughters within a period of one month from the date of receipt of a copy of this order and it is for the appellate authority/State Level Caste Scrutiny Committee to take a decision in accordance with law within a further period of two months therefrom. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.20031 of 2016 is closed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

ss

To

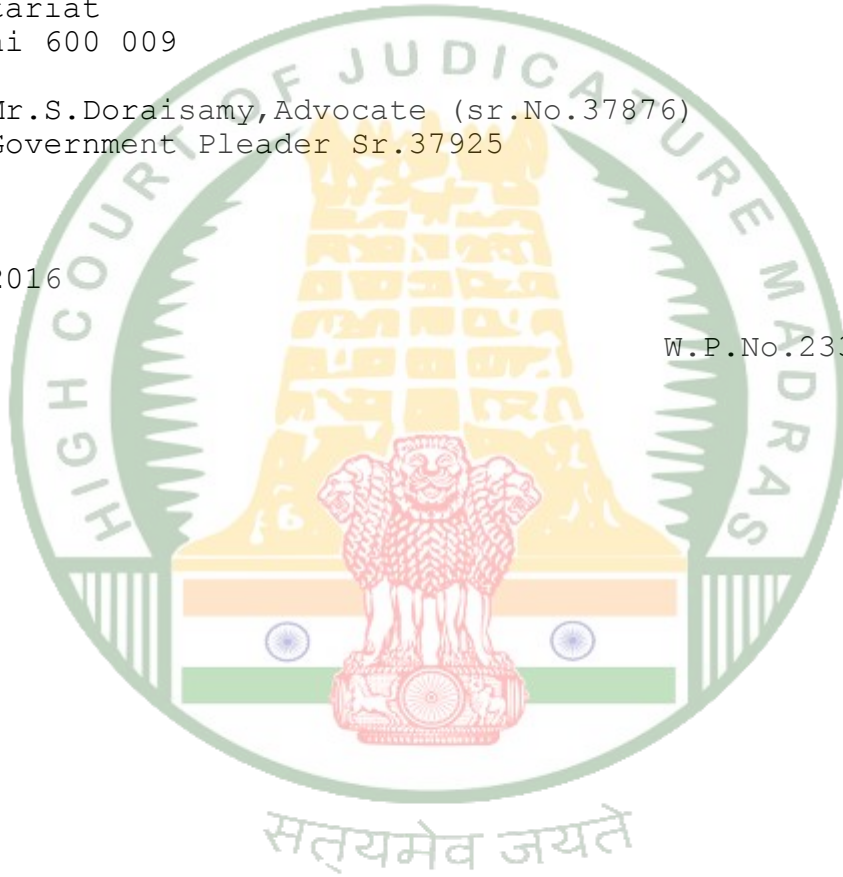
1. The Revenue Divisional Officer
Tindivanam 604 001
Villupuram District

2. The Secretary
Tamil Nadu State Vigilance Committee
Adi Dravidar and Tribal Welfare Department
Secretariat
Chennai 600 009

+1 cc to Mr.S.Doraisamy, Advocate (sr.No.37876)
+1 cc to Government Pleader Sr.37925

TM(CO)
CP 23/07/2016

W.P.No.23324 of 2016



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