

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2016

CORAM

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

W.P.No.25364 of 2016

P.Palanisamy

.. Petitioner

-vs-

1. The District Collector
Erode District Vigilance
committee (3 Members)
Erode District

2. The Revenue Divisional Officer
Gobichettipalayam
Erode District

3. The Thasildar
Gobichettipalayam
Erode District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order dated 12.10.2015 passed by the first respondent Committee in proceedings Na.Ka.No.7174/2015/E.Ka and quash the same and consequently direct the respondents to issue Hindu-Bandi (SC) Community Certificate to the petitioner's son Sathish Kumar.

For Petitioner :: Mr.L.Mouli

For Respondents:: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

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

The petitioner seeks for issuance of a writ of a writ of certiorarified mandamus, to call for the entire records relating to the impugned order dated 12.10.2015 passed by the first respondent-Committee in proceedings Na.Ka.No.7174/2015/E.Ka, quash the same and consequently direct the respondents to issue Hindu-Bandi (SC) Community Certificate to the petitioner's son Sathish Kumar.

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

3. According to the petitioner, he belongs to "Hindu-Bandi community", which is recognised as Scheduled Caste and the application filed by him for issuance of community certificate to his son Sathish Kumar has been rejected by the first respondent-District Vigilance Committee vide the impugned order. The grievance of the petitioner is that the application was given wrongly before the Committee instead of being filed before the Tahsildar, Gobichettipalayam, Erode District, accordingly sought to quash the decision taken by the Committee and to direct the issuance of the necessary community certificate.

4. In our considered opinion, the decision taken by the District Vigilance Committee needs to be set aside as, at the first instance, the Committee should have referred the matter to the Tahsildar concerned to take an appropriate decision. In these circumstances, the decision taken by the first respondent Committee is set aside directing the District Collector, Erode District to seek for necessary opinion from the concerned and to issue the necessary certificate to the petitioner in accordance with law, within a period of two months from the date of receipt of a copy of this order. The writ petition stands disposed of. Consequently, W.M.P.No.21665 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ss

To

1. The District Collector
Erode District Vigilance Committee (3 Members)
Erode District
2. The Revenue Divisional Officer
Gobichettipalayam
Erode District
3. The Thasildar
Gobichettipalayam
Erode District

+1cc to Mr.L. Mouli, Advocate, S.R.No.41427

+1cc to the Government Pleader, S.R.No.41569

AD(CO)

EU(08/08/2016)

W.P.No.25364 of 2016