

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2016

CORAM

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

Writ Petition No.25526 of 2016
and WMP.No.21885 of 2016

M.R.Dass ...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.

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order dated 12.10.2015 passed by the 1st 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 Harish.

For Petitioner : Mr.L.Mouli

For Respondents : Mrs.A.Srijayanthi, Spl.Govt.Pleader

ORDER

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

Heard the learned counsel for the Petitioner and Mrs.A.Srijayanthi, who accepts notice for respondents.

2. In the grounds of the Writ Petition, it is averred that the petitioner belongs to "Hindu-Bandi" (SC) Community and adopted Harish as his son and made application dated 30.04.2015

to the 1st respondent seeking community certificate for his son, who is studying 12th Standard. The 1st respondent, after conducting enquiry had passed the impugned order dated 12.10.2015 rejecting the request stating that Community certificate cannot be granted based on similar certificate issued to the petitioner's relatives. Aggrieved by the said rejection order, the petitioner is before this court, with the aforesaid prayer.

3. It is pertinent to note that as per G.O.(Ms.).No.147 Revenue [RA-3(2)] Department dated 17.03.2016, as regards the Scheduled Castes community certificate, the Issuing Authority is Tahsildar, the Appellate Authority is the Revenue Divisional Officer and the Redressal of Grievance Cell is the District Collector. In the case on hand, the petitioner, instead of approaching the competent authority viz., Tahsildar, has approached the District Collector, Erode District Vigilance Committee, for issue of community certificate, who rejected the said request on certain grounds. Now, this Court cannot take up a roving enquiry and as such, it is for the competent authority to investigate and identify a community, after adhering to all the fundamentals of enquiry, as stipulated by this court from time to time. The writ petitioner can make the request to the Tahsildars with or without the recommendation of the Revenue Inspectors/Village Administrative Officers. If it is without the reports of the Revenue Inspectors/Village Administrative Officer, the Tahsildar can send the papers to either one or both of them for report.

4. For the aforesaid reasons, we are inclined to set aside the impugned order dated 12.10.2015. Accordingly, the impugned order is set aside. The petitioner is directed to approach the competent authority namely the Tahsildar along with necessary documents. The Tahsildar, on receipt of application, if any filed by the petitioner, shall consider the same and after following the rules and guidelines regarding issuance of community certificate, shall pass necessary orders.

5. The writ petition stands allowed in the above terms. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nvsri
To

1.The District Collector,
Erode District Vigilance Committee,
(3 Members)
Erode District.

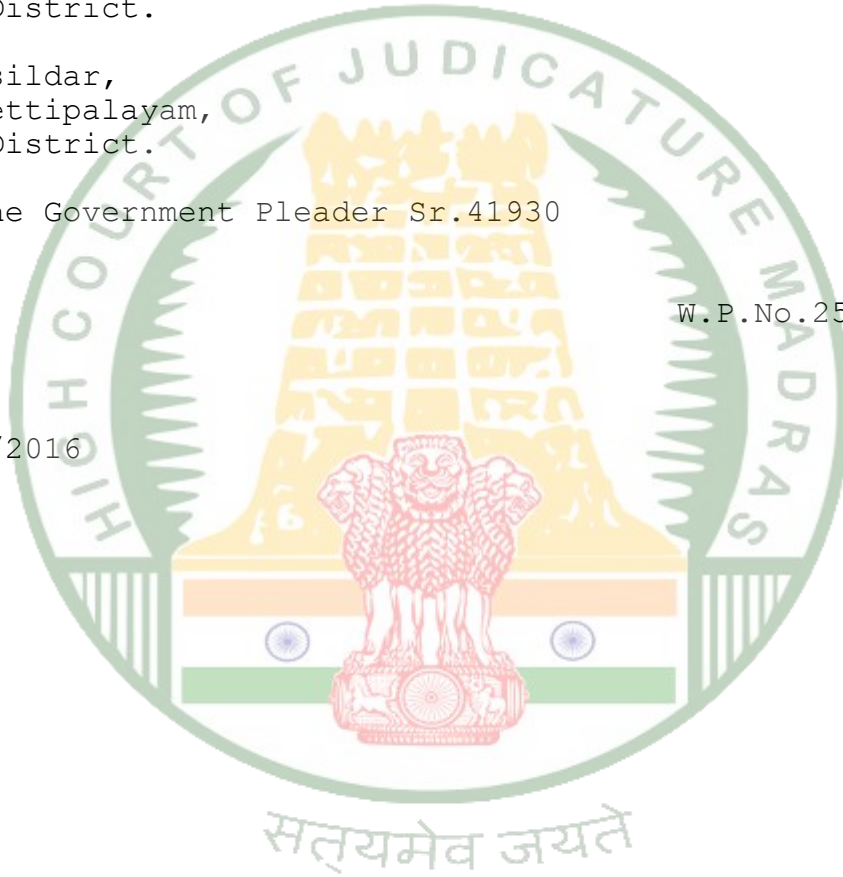
2.The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

3.The Thasildar,
Gobichettipalayam,
Erode District.

+1cc to the Government Pleader Sr.41930

W.P.No.25526 of 2016

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srg 10/08/2016



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