

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 1.8.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.26750 of 2016

Tmt.M.Jayalakshmi

... Petitioner

-Vs-

The Revenue Divisional Officer
Dharmapuri,
Dharmapuri District.

... Respondent

Writ 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.1377/2014/A4 dated 13.6.2014 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner's children viz., (1)M.Santhiya, (2)M.Vallarasu and (3)M.Poovarasan that they belong to "Kurichchan (ST) community".

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

ORDER

(Order of the Court was delivered by M.JAICHANDREN, J.)

The petitioner seeks for the issuance of a writ of certiorarified mandamus, to call for the records relating to the order of rejection passed in the proceedings, in Na.Ka.1377/2014/A4, dated 13.6.2014, on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner's children viz., (1) M.Santhiya, (2)M.Vallarasu and (3)M.Poovarasan stating that they belong to "Kurichchan (ST) community".

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who had taken notice on behalf of the respondent.

3. The petitioner claims to belong to "Kurichchan (ST) community". He had applied to the respondent, on 31.3.2008, seeking for the issuance of Kurichchan Scheduled Tribe Community Certificate to her three children viz., (1)M.Santhiya, (2) M.Vallarasu and (3)M.Poovarasan, by enclosing the relevant documents. As the said application was not considered, she was constrained to file writ petitions, in W.P.Nos.12210 to 12212 of 2012, seeking for a direction to the respondent to consider her pending application. This Court, by its order dated 26.4.2012, had directed the respondent to pass appropriate orders, after holding a detailed enquiry and after affording an opportunity of hearing to the petitioner, within a period of six weeks. However, the application was rejected by the respondent, by an order, dated 30.7.2012. Thereafter, the petitioner had challenged the rejection order, in W.P.No.23670 of 2012. This Court, by order, dated 17.12.2013, while setting aside the order of rejection, directed the respondent to consider the application, afresh, and to pass a reasoned order, within a period of four months. By the impugned order, dated 13.6.2014, the respondent has once again rejected the application of the petitioner, 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, as 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, Dharmapuri District, with regard to the issuance of Kurichchan Scheduled Tribe Community Certificate to her three children viz., (1) M.Santhiya, (2)M.Vallarasu and (3)M.Poovarasan, by way of an appeal, within a period of one month from the date of receipt of a copy of this order. On the petitioner filing the appeal, it is for the appellate authority/District Collector, Dharmapuri District, to take a decision thereon, on merits and 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/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssk

To

1. The Revenue Divisional Officer
Dharmapuri,
Dharmapuri District.
2. The District Collector
Dharmapuri District.

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.43404
+lcc to the Government Pleader, S.R.No.43790

W.P.No.26750 of 2016

PUR(CO)
CA(18/08/2016)



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