

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2016

CORAM

THE HONOURABLE Mr. JUSTICE N.KIRUBAKARAN

W.P.No.33894 of 2016

and

WMP.29260 of 2016

L.Sumitha

.. Petitioner

Vs

1.The Union Territory of Puducherry
represented by its Secretary
Revenue Department
Chief Secretariat, Goubert Avenue
Puducherry - 605 001.

2.The Tahsildar
Bahoor Commune Panchayat
Taluk Office Bahour,
Puducherry

3.The Convenor
Centralised Admission Committee
(CENTAC), Puducherry Engineering
College Campus,
Puducherry - 605 014.

4.The Deputy Collector Revenue (South)
Taluk Office Villanur,
Villanur, Puducherry.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 4th respondent to dispose of the appeal filed by the petitioner in VLM/Hc/MDS/02 dated 22.08.2016 for issuance of the Residence Certificate to the petitioner within a time frame to be stipulated by this Court.

For Petitioner : Mr.V.Vasanth Kumar

For Respondents : Mr.A.Tamilvanan, GA (Pdy)

ORDER

This writ petition was mentioned before the Hon'ble the Chief Justice on 23.09.2016 and the same was directed to be posted today (24.09.2016) in the Special Sitting.

2.With the consent of both parties, the main writ petition itself is taken up for final hearing.

3.The petitioner has come before this Court seeking writ of mandamus directing the fourth respondent to dispose of the appeal filed by the petitioner for issuance of residence certificate.

4.The petitioner submits that his minor daughter L.Sumitha was born on 31.08.1998, she also completed her schooling at SBOA, Matriculation Higher

Secondary School, Anna Nagar, Chennai. The candidate obtained 192.3329926 out of 200 and the overall rank is 96 under OBC category. The petitioner has also enclosed Family Card No.096719 issued by the Government of Puducherry and the identity card to that effect. Relying on the above said documents the petitioner applied for residence certificate to his daughter before the Government of Puducherry. The second respondent without making any proper enquiry, rejected the application of the petitioner for residence certificate. The said order was challenged before this Court by way of Writ petition in WP.No.19285 of 2016 and this Court by an order dated 22.07.2016, set aside the impugned order on the ground that there is no service of discreet enquiry report, which is said to have been conducted by the second respondent. Thereafter, the matter was remanded back for fresh enquiry. In pursuant to the order of this Court, fresh enquiry was conducted after giving all the documents to the petitioner and once again the second respondent rejected the petitioner's application for residence certificate on 13.08.2016.

5. Aggrieved over the said order, the petitioner has already filed appeal before the fourth respondent on 22.08.2016 and the appeal is pending till date. In the meanwhile, the Medical Counseling call letter was issued by the third respondent calling upon the petitioner's daughter to appear for counseling to be held on 26.09.2016. Even though, the appeal has been filed, as early as on

22.08.2016, so far no orders has been passed. Hence, the petitioner filed the present writ petition seeking disposal of appeal before the 4th respondent.

6.The learned counsel for the petitioner seeks this Court to give a direction to the third respondent to permit the petitioner's daughter to appear for Medical Counseling to be held on 26.09.2016.

7.Heard Mr.V.Vasanthakumar, learned counsel appearing for the petitioner and Mr.A.Tamilvanan, Government Advocate (Pondicherry) appearing for the respondents.

8.Admittedly, the petitioner is fighting for his daughter's residence certificate. Even after remand from this Court, the second respondent passed order rejecting the petitioner's residence certificate. Aggrieved by the said order, the petitioner filed an appeal before the fourth respondent and the appeal is pending till date before the fourth respondent for disposal.

9.The learned counsel for the petitioner seeks direction to the third respondent to permit the petitioner's daughter to attend the counseling to be held on 26.09.2016, so that the rights of the petitioner can be safeguarded, as the outcome of the decision is pending on the file of fourth respondent.

10.The learned Government Advocate (Pondicherry) would submit that the fourth respondent is ready to pass orders by today itself, so that the petitioner can act accordingly. Taking into consideration, the appeal has been filed on 22.08.2016 and the same is pending till date, without any disposal. Considering the emergency situation, due to the counseling to be held on 26.09.2016, it is necessary to direct the fourth respondent to pass orders on the appeal filed by the petitioner and issue the same to the petitioner before 6.00pm, by today itself.

11.Considering the circumstances, the appeal has to be decided at the earliest and the orders has to be passed by the fourth respondent by today itself, this Court directs Mr.A.Tamilvanan, Government Advocate (Pondicherry) to inform the fourth respondent, accordingly, about the direction of this Court and without waiting for any official order copy of this Court.

12.Since, the direction has been given, to pass order by the fourth respondent before 6.00pm, by today, the petitioner is directed to approach the fourth respondent and receive the order copy. Depending upon the decision taken by the fourth respondent, it is open to the petitioner to take a decision with regard to the counseling.

13. With the above direction, the writ petition is disposed of.
Consequently, connected miscellaneous petition is also closed.

24.09.2016

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Index: Yes/No

Internet: Yes/No

Note: Issue order copy on 24.09.2016.

To

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N.KIRUBAKARAN, J.

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