

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.36715 of 2016
and
W.M.P.No.31558 of 2016

1 V.Settu
2 K.Palani
3 Kupendran
4 Jelandran
5 Mahendran
6 Devendran
7 N.Raman
8 Chennaiyan
9 Lakshmanan
10 K.Elumalai
11 R.Babu
12 R.Sujatha
13 Duraisamy

Petitioners

Versus

1 The State of Tamilnadu
Rep by its Secretary
Department of Adi Dravidar
and Tribal Welfare
St. George Fort Chennai-9.

2 The Director (Tribal)
Department of Adi Diravidar and
Tribal Welfare
Post Box No.2854780
Chepauk Chennai-5.

3 The District Collector
Office of District Collector
Vengikkal Tiruvannamalai-606 604

- 4 Deputy Collector
Cheyyar
Office of Deputy Collector Cheyyar
Tiruvannamalai District
- 5 District Adi-Dravidar and
Scheduled Tribes Welfare Officer
Tiruvannamalai Tiruvannamalai District
- 6 District Level Vigilance Committee
Adi Diravidar and Tribal Welfare Department
Tiruvannamalai District Tiruvannamalai

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to Na.Ka.No.A4/3535/2014 dated 19.7.2016 passed by the 4th respondent and quash the same as unconstitutional and consequently direct the 4th respondent to reconsider the petitioner's application for community certificate by availing the report of the anthropologist.

For petitioners : Mr.R.Sathishkumar

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

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioner and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who is directed to take notice on behalf of the respondents.

2. The writ petition has been filed seeking issuance of a writ of certiorarified mandamus calling for the records relating to Na.Ka.No.A4/3535/2014 dated 19.7.2016 passed by the 4th respondent and quash the same as unconstitutional and consequently direct the 4th respondent to reconsider the petitioner's application for community certificate by availing the report of the anthropologist.

3. According to the petitioners, they belong to Malaikuravan Community which is recognized as Scheduled Tribe as per the Scheduled Castes and Scheduled Tribes Orders (Amendment Act), 1970 vide serial No.23 and their blood relatives are the holders of such certificates, but, when they applied for such certificates, their applications were pending for a long time and now, the same were rejected by way of the present impugned order and hence, the present writ petition has been filed.

4. As per the legal provisions, as against the impugned order of the Revenue Divisional Officer, an appeal remedy is available before the District Collector as per G.O.Ms.No.147, Revenue (RA-3(2) Department dated 17.3.2016. As such, we direct the petitioners to approach the appellate authority/District Collector, Thiruvannamalai District with regard to the issuance of community certificate to the effect that they belong to Malaikuravan (ST) Community, within one month from the date of receipt of a copy of this order and it is for the appellate authority/District Collector, Thiruvannamalai District to take a decision in accordance with law within a further period of three months therefrom, after affording opportunity to the petitioner. With this direction, the writ petition is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Secretary,
The State of Tamilnadu
Department of Adi Dravidar
and Tribal Welfare
St. George Fort Chennai-9.
- 2 The Director (Tribal)
Department of Adi Diravidar and
Tribal Welfare
Post Box No.2854780
Chepauk Chennai-5.

- 3 The District Collector
Office of District Collector
Vengikkal Tiruvannamalai-606 604
- 4 Deputy Collector
Cheyyar
Office of Deputy Collector Cheyyar
Tiruvannamalai District
- 5 District Adi-Dravidar and
Scheduled Tribes Welfare Officer
Tiruvannamalai Tiruvannamalai District
- 6 District Level Vigilance Committee
Adi Diravidar and Tribal Welfare Department
Tiruvannamalai District Tiruvannamalai

+lcc to Mr.R.Sathish Kumar, Advocate, S.R.No.65598
+lcc to the Government Pleader, S.R.No.65830

kji(CO)
BB(27/12/2016)

W.P.No.36715 of 2016



WEB COPY