

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM:

THE HON'BLE MR. JUSTICE HULUVADI G.RAMESH

AND

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

W.P.No. 58 of 2016

G.Ramachandran .. Petitioner

Vs

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District. ... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the rejection order of the respondent passed in proceedings in Na.Ka.No.9721/2015/A4, dated 28.11.2015 and to quash the same and to direct the respondent to issue community certificate to the children of the petitioner viz., 1) R.Maheshwari, 2) R.Vijayasarithi and 3) R.Senthil Kumar that they belong to "Kurumans (ST) community" based upon the community certificate possessed by the petitioner and his blood relatives.

For Petitioner :: Mr.S.Doraisamy

For Respondent :: Mr.S.Pattabiraman
Government Advocate

ORDER

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

Heard Mr.S.Doraisamy, learned Counsel for the petitioner and Mr.S.Pattabiraman, learned Government Advocate representing the respondent.

2. The case is in respect of issuance of community certificate. According to the petitioner, already community certificate was issued in his favour on 15.09.1988 declaring him

as "Kurumans community", which is notified as a Scheduled Tribe. The petitioner has preferred an application before the respondent, on 15.03.2013, for the issuance of the community certificate for his three children. Since, no order was passed, the petitioner filed a Writ Petition in W.P.No.29688 of 2015 before this Court. This Court, by order dated 22.09.2015, directed the respondent to consider the said application and pass orders within a period of six weeks. Thereafter, the petitioner was asked to appear for enquiry and accordingly, the petitioner appeared before the respondent for enquiry by producing all relevant documents, on 13.11.2015. But, by the impugned order, dated 28.11.2015, the respondent/The Revenue Divisional Officer of Dharmapuri District, has rejected the claim of the petitioner. Challenging the impugned order passed by the respondent, dated 28.11.2015, thereby, rejecting the request of the petitioner to issue community certificate to his three children stating that they belong to "Kurumans (ST) community" based upon the community certificate possessed by the petitioner and his blood relatives, the petitioner is before this Court with this Writ Petition.

3. Admittedly, as against the impugned rejection order passed by the respondent/The Revenue Divisional Officer, as per the Circular issued by the State Government in G.O.(Ms)No.147, Revenue [RA-3(2)] Department dated 17.03.2016, an appeal remedy is available to the petitioner before the Appellate Authority, viz., District Collector concerned. It is needless to state that as per the said Government Order, if such an appeal is filed before the District Collector and if any order is passed by the District Collector, by which, the petitioner is still aggrieved, it is open to him to file a revision before the State Level Scrutiny Committee.

4. Having regard to all the above, the petitioner is directed to approach the Appellate Authority, viz., the District Collector concerned, by way of an appeal, as against the impugned rejection order passed by the respondent, within a period of one month from the date of receipt of a copy of this order. On such appeal being filed by the petitioner, it is for the District Collector to seek a report from the authority concerned with regard to the exercise being done to identify the caste of the petitioner and to pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of two months from the date of preferring the appeal by the petitioner. It is made clear that it is left open to the petitioner to urge all the contentions raised before this Court.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

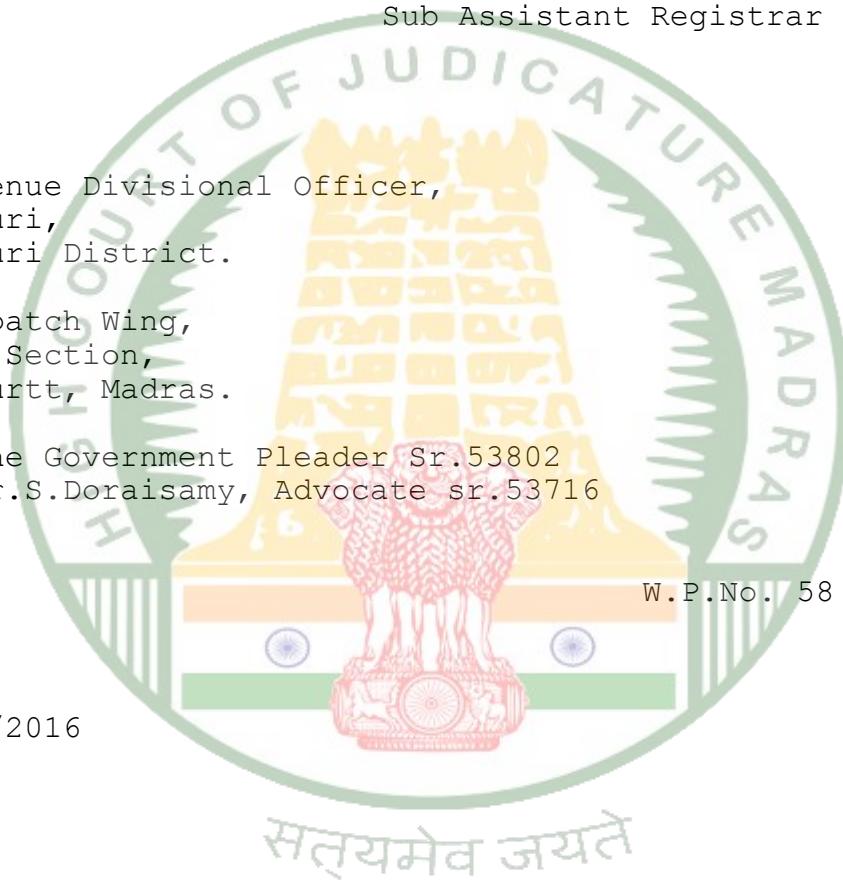
1.The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

2.The Despatch Wing,
Current Section,
High Courtt, Madras.

+1cc to the Government Pleader Sr.53802
+1cc to Mr.S.Doraisamy, Advocate sr.53716

W.P.No. 58 of 2016

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