

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.5892 of 2016

M.D. Dhayalan

..Petitioner

Vs.

1. The District Collector
District Collector Office
Chennai District
Chennai

2. The Personal Assistant (General)
District Collector Office
Chennai District
Chennai

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to issue permanent community certificate to the petitioner's children D. Harithanandhini, D. Sarumathi and D.Vedhvikas that they belong to Hindu Kattunayakan community which is classified as Scheduled Tribe, based upon the community certificate already possessed by the petitioner, his father and his sisters that they belong to Hindu Kattunayakan community.

For Petitioner: Mr. B. Sivalingam
for Mr. B. Balavijayan

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

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2. The learned counsel for the petitioner submits that the petitioner made an application on 15 April 2015, seeking Hindu Kattunayakan (ST) certificate to his children, viz., D. Harithanandhini, D. Sarumathi and D.Vedhvikas, on the basis of such certificates issued to himself, his father and sisters. In spite of the specific time schedule fixed by the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹, subsequently referred to with approval by the Supreme Court and followed by this Court in a catena of decisions, the authorities are taking their own sweet time in considering the petitioner's application and passing orders thereon. Hence, the instant writ petition seeking the aforestated relief.

3. The learned Special Government Pleader appearing for the respondents submits that enquiry has been conducted and the petitioner has also participated in the proceedings and appropriate orders will be passed on the petitioner's application within a period of four weeks, in the light of the judgment of a Division Bench of this Court, wherein, one of us (Satish K. Agnihotri, J.) was a Member, in G.Venkitasamy and V. Balasubramaniam vs. The Chairman, State Level Scrutiny Committee and Secretary to Government, Adi Dravidar and Tribal Welfare Department, Namakkal Kavingar Maaligai, Fort St. George, Chennai - 9².

4. In view of the aforestated submission of the learned Special Government Pleader, it is ordered accordingly.

5. Before parting with the matter, we are constrained to pass certain observations. When the Supreme Court as well as this Court has fixed a specific time limit for considering and passing orders on applications submitted seeking issuance of social status certificate, it is obligatory on the part of the officers to adhere to the said time limit. We have noticed in many a case that the authorities are taking their own time in considering the applications seeking social status certificates, without assigning any reason. Ergo, we strike a word of caution to the authorities that such a lackadaisical attitude on their part may amount to contempt of Court. In future, if it is pointed out by the applicants that the authorities are lethargic in the matter of issuance of social status certificates, the Court may take a serious view of the same.

1 (1994) 6 SCC 241

2 2016-1-L.W. 289

With the above observations, the writ petition stands disposed of. Costs made easy.
cad

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Collector,
District Collector Office
Chennai District, Chennai.

2. The Personal Assistant (General)
District Collector Office,
Chennai District, Chennai.

+ 1 cc to Mr.B.Balavijayan, Advocate Sr 10907

+ 1 cc to The Govt.Pleader, High Court, Mds. Sr 10416

KR/7/3/16

W.P. No.5892 of 2016

सत्यमेव जयते

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