

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2016

CORAM:

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

W.P. No.5937 of 2016

Ayyammal

Petitioner

Vs.

1 The Commissioner of Revenue Administration
Chepauk
Chennai 600 005

2 The Revenue Divisional Officer
Kovilpatti
Tutukudi District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents to consider the petitioner's representation dated 26.12.2015 and issue Kattunayakan (ST) community certificate based on her blood relatives' certificates.

For petitioner Mr. M. Ravi

For respondents Mrs. A. Srijyanthi
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijyanthi, learned Special Government Pleader, accepts notice for the respondents.

2 This writ petition is filed seeking a writ of mandamus, directing the respondents to consider the petitioner's representation dated 26 December 2015 and issue Kattunayakan (ST) community certificate to his children, based on her blood relatives' certificates.

3 At the threshold, it is worth pointing out that without waiting for a reasonable time, as granted by the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹ as well as by this Court 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, the petitioner has come up with this writ petition within a period of two months, seeking a direction to the authorities to consider his aforestated application in accordance with law.

4 There is no reason to issue such a direction as there is no grievance of inaction or non-action on the part of the authorities. A writ of mandamus cannot be sought without making a grievance of inaction or non-action or wrong action by the authorities. Thus, we decline to issue any writ, in the facts of the case. However, it is expected that the authorities shall examine the petitioner's application for grant of community certificate to his children, on its own merits and in accordance with law within the time stipulated, as aforestated.

The writ petition stands disposed of accordingly. Costs made easy.

cad

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The Commissioner of Revenue Administration
Chepauk
Chennai 600 005

2 The Revenue Divisional Officer
Kovilpatti
Tutukudi District

+ 1 cc to Mr.M.Ravi,Advocate, SR 10495

+ 1 cc to Government Pleader, High Court, Madras SR 10773

sr(co)
prk2/3

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1 (1994) 6 SCC 241

2 2016-1-L.W. 289