

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.8457 of 2016
and W.M.P.No.7526 of 2016

K.G.Sivakkumar

..Petitioner

Vs.

The Sub-Collector,
Mettur Dam,
Salem District.

..Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in its Na.Ka.5524/2011 (D) dated 22.02.2016 and quash the same and consequently direct the respondent to issue community certificate to the petitioner's daughter S.Subisha and son G.S.Praneeth to the effect that they belong to the Konda Reddis community (ST).

For Petitioner : Mr.V.Vijay Shankar

For Respondent : Mr.S.Suguma

Additional Advocate General -IV

O R D E R

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

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.

2.It is averred by the petitioner that he belongs to Konda Reddis (ST) community and even his school records reflect the same. Further many of his family members have been granted Konda Reddis (ST) Community Certificate. Hence, the petitioner has submitted an application for issuance of community certificate to his sons. Since his representation was not considered, he filed a writ petition twice and inspite of repeated direction, without proper appreciation of the documents, the respondent passed the impugned order and therefore, the present petition has been filed.

3.Learned Additional Advocate General appearing for the State submits that this Court may direct the petitioner to approach the Appellate Forum to redress his grievance and an order to that effect may be passed.

4.In the above circumstances and considering the averments raised in the counter, this Court is of the considered view that it would be suffice to direct the petitioner to approach the District Caste Verification Committee, headed by the District Collector, who will afford an opportunity of personal hearing to the petitioner and, thereafter, decide the matter in accordance with law.

4.Accordingly, this Court directs the petitioner to approach the Appellate Forum wherein the petitioner shall submit all the relevant documents in support of his contention so as to enable the Appellate Forum to take a decision in accordance with law. If necessary, the Appellate Forum shall conduct an elaborate enquiry by affording an opportunity of personal hearing to the petitioner. Further, the petitioner is directed to appear before the Appellate Authority/District Caste Verification Committee headed by the District Collector within a period of one month from the date of receipt of a copy of this order and the Appellate Authority is directed to pass appropriate orders on merits and in accordance with law within a period of two months thereafter.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cse
To
The Sub-Collector,
Mettur Dam,Salem District.

+1cc to Mr.V. Vijaya Shankar, Advocate, S.R.No.30231
+1cc to the Government Pleader, S.R.No.30018

PVS (CO)
EU(12/07/2016)

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