



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P (MD) No.17120 of 2014

A.Kannan

... Petitioner

Vs.

1.The The Revenue Divisional officer,
Madurai.

2.The Tahsildhar,
South Taluk,
Madurai.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus caling for the records of the first respondent dated 28.08.2014 in proceedings Na.Ka.No.11125/2009/L quash the same and consequently direct the first respondent to issue community certificate to the petitioner's children K.Manikandan, K.Kailash evidencing that they belong to Malaivedan community which has been classified as Scheduled Tribe.

For Petitioner :Mr.R.G.Shankar Ganesh

For Respondents :Mr.A.K.Baskara Pandian

Special Government Pleader

ORDER

(Judgment of this Court was delivered by M.SATHYANARAYANAN, J.)

The petitioner would claim that he belongs to Hindu Malaivedan Scheduled Tribe Community and for the purpose of getting permanent Community Certificate for his two sons namely, Manikandan and Kailash, he approached the second respondent in the form of application/representation dated 24.09.2009 and since no steps have been taken to issue the same, he filed W.P.(MD)No.12235 of 2009 praying for issuance of writ of mandamus directing the second respondent therein/the Revenue Divisional Officer, Madurai to issue Community Certificate for his two sons and it was ordered on 26.11.2009 by directing the said official to consider and dispose of the application in accordance with law by following due process. The second respondent therein in compliance of the order <https://hcservices.in/hcservices/> claim of the petitioner and rejected the same. Challenging the legality of the order, the present writ petition has been filed.



2. The learned counsel for the petitioner would submit that despite the fact that the petitioner has produced necessary documents for issuance of community certificate, the first respondent passed the impugned order and there would not be any impediment on the part of the first respondent to issue community certificate for his two sons and therefore, prays for setting aside the impugned order.

3. Per contra, Mr.A.K.Baskara Pandiyan, learned Special Government Pleader, who takes notice for the respondents has drawn attention to G.O.No.235, Revenue (RA3(2)) Department, dated 26.06.2015 and would submit that as against the request of the petitioner to issue community certificate, the petitioner is having an alternative remedy to file an appeal before the SC/ST Vigilance Cell, Madurai and the petitioner may prefer an appeal.

4.This Court has considered the rival submissions and also perused the materials placed on record.

5. In the light of the fact that alternative remedy is available as per the above said Government Order, this writ petition is disposed of and the petitioner is at liberty to prefer an appeal against the order of the second respondent dated 28.08.2014 within a period of two weeks from the date of receipt of copy of this order and on filing of such appeal, if the papers are other in order, the State Level Scrutiny Committee shall pass orders on merts and in accordance with law within further period of eight weeks thereafter and communicate the decision taken to the petitioner. No costs.

Sd/
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

1.The Chairman/Secretary to Government,State Level Scrutiny Committee,Adi-Dravidar & Tribal Welfare Department,
Namakkal Kavingar Maaligai, 3rd Floor,Secretariat, Chennai.

2.The Revenue Divisional officer,Madurai.

3.The Tahsildhar,South Taluk,Madurai.

+1CC to the Special Government Pleader, SR.No. 67419.

W.P (MD) No.17120 of 2014

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