

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 21.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN**AND****THE HONOURABLE MRS. JUSTICE J. NISHA BANU****W.P (MD) No. 23542 of 2015**

N. Ramakrishnan

... Petitioner

Vs.

1. The District Collector cum Chairman,
District Vigilance Committee,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
Palani,
Dindigul District.

... Respondents

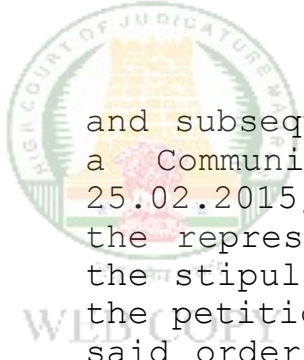
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari and Mandamus to call for the records pertaining to the order passed by the first respondent in his proceedings Na.Ka.No.H1/24176/15 dated 27.10.2015 confirming the order passed by the second respondent in his proceedings Na.Ka.No.4986/2015/A3, dated 27.04.2015 and quash the same as illegal and consequently, direct the second respondent to issue Malaivedan Community Certificate to the petitioner's son and daughter, viz., Karunakaran and Saranya respectively within a period that may be stipulated by this Court.

For Petitioner : Mr. T. Lenin Kumar

For Respondents : Mr. A. K. Baskarapandian
Special Government Pleader**ORDER**

(Order of the Court was made by M. SATHYANARAYANAN, J.)

The petitioner claims that he belongs to Hindu - Scheduled Tribe - Malaivedan Community and his brother, namely, Rajendran was also issued with the Community Certificate by the Tahsildar, Palani on 31.01.1985 and seeking Community Certificates for his son and daughter, namely, Karunakaran, aged 23 years and Saranya, aged 21 years, respectively, he submitted the application dated 12.04.2010, followed by reminders dated 17.03.2014 and 13.01.2015



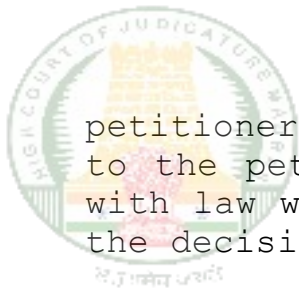
and subsequently, he filed W.P(MD)No.1672 of 2015 for issuance of a Community Certificate and this Court, vide order dated 25.02.2015, has directed the second respondent therein to consider the representation/application submitted by the petitioner within the stipulated period and pass orders and communicate the same to the petitioner. The second respondent therein in compliance of the said order, has considered the request made by the petitioner and rejected his request vide order dated 27.04.2015 and it was also put to challenge in W.P(MD)No.13582 of 2015, wherein this Court vide order dated 31.07.2015, has granted liberty to the petitioner to file appeal before the District Level Vigilance Committee and accordingly, he has filed an appeal before the first respondent and the first respondent, vide proceedings dated 27.10.2015, has held that the petitioner does not belong to Hindu - Scheduled Tribe - Malaivedan Community and as such, the request made by him for issuance of a Community Certificate in favour of his son and daughter deserves to be rejected and accordingly, rejected the same and the petitioner by filing the present writ petition made a challenge to the said order.

2. The learned Counsel for the petitioner would submit that despite production of overwhelming documents and the petitioner herein was able to convince the first respondent about his community status, without assigning proper and reasonable grounds, the request of the petitioner has been rejected and therefore, he prays for interference.

3. Per contra, Mr.A.K.Baskarapandian, learned Special Government Pleader accepts notice on behalf of the respondents and would submit that in the light of G.O.(Ms.)No.147, Revenue [RA-3 (2)] Department, dated 17.03.2016, the petitioner may avail the further remedy before the State Level Scrutiny Committee and therefore, he prays for appropriate orders.

4. This Court, upon considering the rival submissions, is of the view that the petitioner is to be granted liberty to avail the remedy as provided under the G.O.(Ms.)No.147, Revenue [RA-3(2)] Department, dated 17.03.2016, without going into the merits of the case of the petitioner.

5. In the result, this writ petition is partly allowed and the impugned order passed by the first respondent in his proceedings Na.Ka.No.H1/24176/15 dated 27.10.2015 confirming the order passed by the second respondent in his proceedings Na.Ka.No.4986/2015/A3, dated 27.04.2015, is set aside and the petitioner is at liberty to file an appeal/petition along with all the relevant documents before the State Level Scrutiny Committee challenging the legality of the order passed by the first respondent dated 27.10.2015 within a period of two weeks from the date of receipt of a copy of this order and the said Committee, on receipt of the same, is directed to consider the appeal/petition/representation of the



petitioner and after providing an opportunity of personal hearing to the petitioner, shall pass orders on merits and in accordance with law within a period of eight weeks thereafter and communicate the decision taken to the petitioner. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The District Collector cum Chairman,
District Vigilance Committee,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

+1 cc to M/s.T.Lenin Kumar, Advocate in SR.No. 71007

+1 cc to The Special Government Pleader in SR.No. 71131

rsb

CSL/PV/SAR-I/29.11.2016: 3P/5C

W.P(MD)No.23542 of 2015
21.11.2016