



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P(MD)No.20104 of 2016

1.M.Kasi Reddiar

2.K.Rajapandi

... Petitioners

Vs.

The District Collector and
Chairman,
District Level Vigilance Committee,
Madurai District,
Madurai.

... Respondent

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to consider and dispose of the petitioners' appeal petition, dated 26.02.2016 within a stipulated time period as that may be fixed by this Honourable Court.

For Petitioner:Mr.A.Saravanan

For Respondent:Mr.A.K.Basakarapandian,

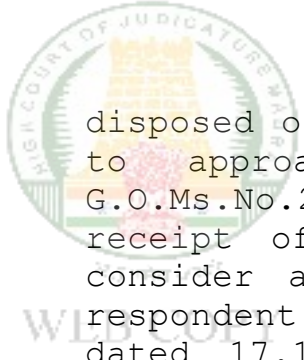
Special Government Pleader

ORDER

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

By consent, the Writ Petition itself is taken up for final disposal.

The petitioners are father and son and the first petitioner, who would sworn to the affidavit on his behalf and on behalf of the second petitioner/son stating among other things would state that he belongs to 'Scheduled Tribes Konda Reddy Community' and to evident the same, the second petitioner mother's sister's son namely one Selvarajan was also issued with Community Certificate on 21.10.1976 by the Block Development Officer-cum-Commissioner, Panchayat Union, Kallupatty, Madurai District and since the representation of the petitioners for issuance of Community Certificate has not been considered, they have filed a Writ Petition in W.P(MD)No.18123 of 2013 before this Court and vide order, dated 09.04.2014, this Court, has directed the Revenue Divisional Officer, Madurai District to consider and dispose of the representation in accordance with law and pass orders within a stipulated time frame. The Revenue Divisional Officer, Madurai District, in compliance of the said order vide proceedings, dated 27.06.2014, rejected the said request and challenging the legality of the same, they filed another Writ Petition in W.P(MD) No.6569 of 2015. This Court vide order, dated 30.06.2015,



disposed of the Writ Petition granting liberty to the petitioners to approach the competent Authority in accordance with G.O.Ms.No.235 Revenue (RA3(2)) Department, dated 26.06.2015 and on receipt of such representation, has directed the Authority to consider and dispose of the same in accordance with law. The respondent in compliance of the said order, vide proceedings, dated 17.11.2015, has once again rejected the request of the petitioner and challenging the legality of the same, the petitioner filed an appeal petition before the District Collector, Madurai District on 26.02.2016. Despite receipt and acknowledgment, the same has not been disposed of and hence, the petitioners came forward to file this Writ Petition.

2. The learned counsel appearing on behalf of the petitioners would submit that it would suffice to direct the State Level Scrutiny Committee to consider and dispose of the above appeal, dated 26.02.2016 in accordance with law within a stipulated time frame.

3. Per contra, Mr.A.K.Baskarapandian, learned Special Government Pleader accepts notice on behalf of the respondent and would submit that in the light of G.O.Ms.No.145 Revenue (RA3(2)) Department, dated 17.03.2016 an appeal would lie before the State Level Scrutiny Committee and therefore, suitable orders may be passed.

4. In the light of the above facts and circumstances, the petitioners are at liberty to file an appeal before the State Level Scrutiny Committee, Chennai, within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same the said committee shall entertain the above appeal on file if it is otherwise in order and pass orders in accordance with law within a further time of ten weeks thereafter and communicate the decision taken, to the petitioner, forthwith.

The Writ Petition is disposed of accordingly. No Costs.

Sd/

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar.

To

1 The District Collector and Chairman,

District Level Vigilance Committee, Madurai District, Madurai.

2 The Chairman, The State Level Scrutiny Committee, Chennai.

+1CC to M/S.A.Saravanan, Advocate, SR.No. 61328

+1CC to the Special Government Pleader, SR.No. 62289

W.P (MD) No.20104 of 2016

19.10.2016