



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.11.2016

CORAM

WEB COPY

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

W.P (MD) No.22541 of 2016

P.Murugesan ...Petitioner
-Vs-

- 1.The District Collector,
Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul District.
- 3.The Tahsildar,
Nilakkottai Taluk,
Dindigul District. ... Respondents

PRAYER : The writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to issue community certificates to the petitioner's children Santhanalakshmi, Revathi Lakshmi, Chinnasamy evidencing that they belong to Malaivedan community.

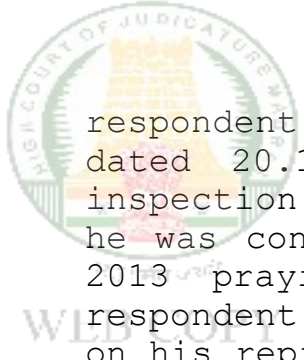
For Petitioner	: Mr.R.G.Sankar Ganesh
For Respondent	: Mr.D.Muruganantham Additional Govt. Pleader

ORDER

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

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

2. The petitioner claims that he belongs to Hindu Malaivedan Scheduled Tribe Community and according to him on 31.03.1979, the District Harijan Welfare Officer has issued a circular for issuance of Community Certificates for the people belong to the said community and as such, he is also entitled to get community certificate for his children. The petitioner would further state that he is eking out his livelihood by doing agricultural operations and since he and forefathers are not well-educated, with great difficulty, he is educating his children viz., Santhanalakshmi, Revathi Lakshmi and Chinnasamy. The petitioner, for the purpose of getting community certificate for her children, submitted an application before the second



respondent. The second respondent, in turn, sent a communication dated 20.12.2012, to the third respondent to conduct a spot inspection and file a report and since no response is forthcoming, he was constrained to file a writ petition in W.P.(MD).No.651 of 2013 praying for appropriate direction, directing the second respondent to issue community certificates to his children, based on his representation/application dated 05.12.2012.

3.This Court, vide order dated 10.01.2013, disposed of the said writ petition directing the second respondent to consider the representation of the petitioner on merits and in accordance with law, after affording an opportunity to the petitioner. The said order was also communicated to the second respondent by the petitioner in the form of a representation dated 26.09.2016. Even thereafter, there was no response from the respondents. Hence, the petitioner has come forward with the present writ petition.

4.The learned counsel for the petitioner would submit that non-compliance of the earlier order passed by this Court would amount to contempt and despite the fact that the order passed by this Court has been brought to the knowledge of the second respondent, for the reasons best known to him, no orders have been passed and as such the petitioner's children, who are undergoing education, are in urgent need of community certificates.

5.The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that since the concerned papers and files have been misplaced, there is some difficulty in passing orders and that appropriate orders will be passed within a stipulated time frame to be fixed by this Court.

6.This Court considered the rival submissions and also perused the materials placed before this Court.

7.This Court, vide order dated 10.01.2013, made in W.P. (MD).No.651 of 2013, directed the second respondent, to pass orders on the petitioner's representation, dated 05.12.2012, after affording an opportunity to the petitioner. Though three years had lapsed, no orders have been passed. The second respondent, in all fairness, at least, should have communicated the reasons for such delay to the petitioner. But, he merely kept quite, thereby driving the petitioner to file the present writ petition for the very same relief.

8.The non-responsive attitude of the second respondent is deprecated. However, taking into consideration of the submission of the learned Additional Government Pleader, on instructions that appropriate orders would be passed within a stipulated period, this Court directs the second respondent to comply with the order dated 10.01.2013, passed in W.P.(MD).No.651 of 2013 on or before 18.01.2017 and communicate the decision taken to the petitioner.



9. With the above observations and directions, this writ petition is disposed of accordingly.

10. Call the matter on 23.01.2017 for reporting compliance. On that day, the Revenue Divisional Officer, Dindigul District shall remain present before this Court.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Dindigul District.

2. The Revenue Divisional Officer,
Dindigul District.

3. The Tahsildar,
Nilakkottai Taluk,
Dindigul District.

+One cc to Mr. R.G. Shankar Ganesh, Advocate, SR.No.73651

vs
RL/5C/3P/SKN/SAR2/28.12.2016

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