



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.22542 of 2016

P.Chinnasamy ... 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 Constitution of India for issuance of writ of Mandamus directing the 2nd respondent to issue community certificate to the petitioner's children Rasiya and Madhan Kumar evidencing that they belong to Malaivedan community.

For Petitioner	: Mr.R.G.Sankar Ganesh
For Respondents	: Mr.D.Muruganandham Addl.Govt. Pleader

ORDER

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

By consent, the 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 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 two children



namely Rasiya and Madhan Kumar and they are in requirement of the Community Certificates. Therefore, he submitted an application on 10.12.2012 before the second respondent seeking for issuance of community certificate. The second respondent, in turn sent a communication to the third respondent directing him to conduct a spot inspection and also to conduct an enquiry. Further, the third respondent did not conduct any such enquiry and seems to have filed a report on 20.12.2012. Since the application submitted by the petitioner herein for issuance of community certificate to his children have not been disposed of, he filed W.P(MD).No.890 of 2013 before this Court.

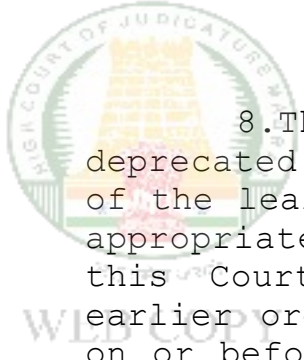
3.This Court vide order dated 18.01.2013, directed the second respondent/Revenue Divisional Officer, Dindigul to consider the representation dated 05.12.2012, submitted by the petitioner by affording an opportunity to him and pass orders on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of that order. The petitioner, after receipt of the order, also submitted a representation dated 26.09.2016 including a copy of the order and despite receipt and acknowledgment, no orders have been passed and therefore, he has come forward to file 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 the 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 18.01.2013, made in W.P. (MD).No.890 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 and to pass orders on merits and in accordance with law. 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 denying 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 earlier order dated 18.01.2013, passed in W.P.(MD).No.890 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. No costs. Consequently, connected Miscellaneous Petition stands dismissed.

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.

+1cc to Mr.R.G.Shankar Ganesh, Advocate SR.No.73652

Copy to: The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai.

vs

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