



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.[MD].No.18172 of 2013

R.Alagarsamy

: Petitioner

Vs.

The Revenue Divisional Officer,
Madurai.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent dated 26.09.2013 made in proceedings Na.Ka.No.11015/2009/L, quash the same as the same is arbitrary, ultravires, and consequentially, direct the respondent to issue community certificate to the petitioner's grandson P.Raja.

For Petitioner

: Mr.R.G.Shankar Ganesh

For Respondent

: Mr.S.Chandrasekar,
Government Advocate

O R D E R

[Order of the Court was made by R.SUBBIAH, J.]

The present Writ Petition has been filed to quash the proceedings of the respondent dated 26.09.2013, made in Na.Ka.No.11015/2009/L, and also to direct the respondent to issue Community Certificate to the petitioner's grandson P.Raja.

2. The case of the petitioner is that he belongs to Malaivedan Community, which has been included in the list of Scheduled Tribes. The petitioner made a representation to the respondent on 24.09.2009, seeking Community Certificate for his grandson P.Raja. Since the said representation was not considered, he was constrained to file a Writ Petition before this Court in W.P.No.12236 of 2009. The said Writ Petition was disposed of, by order dated 26.11.2009, with certain directions. Since the order of this Court has not been complied with, within the stipulated time, the petitioner has filed a Contempt Petition. Pending contempt proceedings, the respondent passed the impugned order dated 26.09.2013, rejecting the request of the petitioner to issue Community Certificate to his grandson P.Raja. Challenging the same, the petitioner is before this Court with the present Writ



3. When the matter was taken up for consideration, it was brought to the notice of this Court that the Government had issued a Government Order in G.O.(Ms)No.147, Revenue [RA-3(2)] Department, dated 17.03.2016 and as per the said Government Order, the petitioner has to approach only the State Level Scrutiny Committee with regard to issuance of Community Certificate to the Scheduled Tribes.

4. In view of the above stated position, we direct the petitioner to file an appeal before the State Level Scrutiny Committee forthwith and on filing of such appeal, the State Level Scrutiny Committee is directed to conduct enquiry on this issue and pass appropriate orders on the appeal, on merits and in accordance with law, within a period of three months from the date of filing of an appeal by the petitioner.

5. The Writ Petition stands disposed of in the above terms. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Revenue Divisional Officer,
Madurai.
- 2.The Chairman and secretary to Government,
State Level Scrutiny Committee,
Adi Dravidar and Tribal welfare Department,
Secretariat, Chennai - 9.

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

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.81912

Order made in
W.P.[MD].No.18172 of 2013
Dated: 19.12.2016

sml