

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN  
and  
THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

W.P. No.6025 of 2017

R. Nagarathna

..Petitioner

Vs

1. Tahsildar  
Chengam Taluk  
Thiruvannamalai District.
2. Revenue Divisional Officer  
Thiruvannamalai District.
3. Block Development Officer  
Chengam  
Thiruvannamalai District.
4. Tamil Nadu Government  
Rep. by the Secretary to Government  
Rural Development and Panchayat Raj  
Secretariat, Fort St. George  
Chennai - 600 009.

..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of mandamus directing the respondents first and second to give the petitioner the community certificate as to petitioner's status as scheduled caste or alternatively directing the respondents to accord acceptance of the community certificate issued by the Karnataka Government to be enough for petitioner to stand and participate as scheduled caste in the forthcoming local body election in Tamil Nadu.

For Petitioner : Mr. O.R. Abul Kalaam

For Respondents : Mr. A. Zakir Hussain

Govt. Advocate

O R D E R

K.K.SASIDHARAN, J.

The petitioner migrated from Karnataka to Tamil Nadu. She is presently residing at Thazhiyuththu Village in Chengam Taluk in the Revenue District of Tiruvannamalai. The petitioner submitted an application before the Tahsildar, Chengam Taluk on 27 September 2016 requesting to issue a Community Certificate indicating that she belongs to Scheduled Caste. Since her application was not taken up by the jurisdictional Tahsildar, the petitioner is before this Court.

2. We have heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

3. We have adjourned this matter time and again so as to enable the respondents to file a counter affidavit. However, the fact remains that the counter affidavit has not been filed by the respondents so far.

4. We direct the Tahsildar, Chengam Taluk, Tiruvannamalai District to consider and dispose of the application submitted by the petitioner on 27 September 2016 for Community Certificate on merits and as per law. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. We make it clear that it is for the Tahsildar to decide the matter on merits and the direction given herein should not be construed to be a positive direction to issue community certificate. In short, it is for the first respondent to decide the matter purely on merits.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Asst.Registrar (CS II )

/true copy/

Sub Asst. Registrar

kj

To

1. Tahsildar  
Chengam Taluk  
Thiruvannamalai District.
2. Revenue Divisional Officer  
Thiruvannamalai District.
3. Block Development Officer  
Chengam  
Thiruvannamalai District.

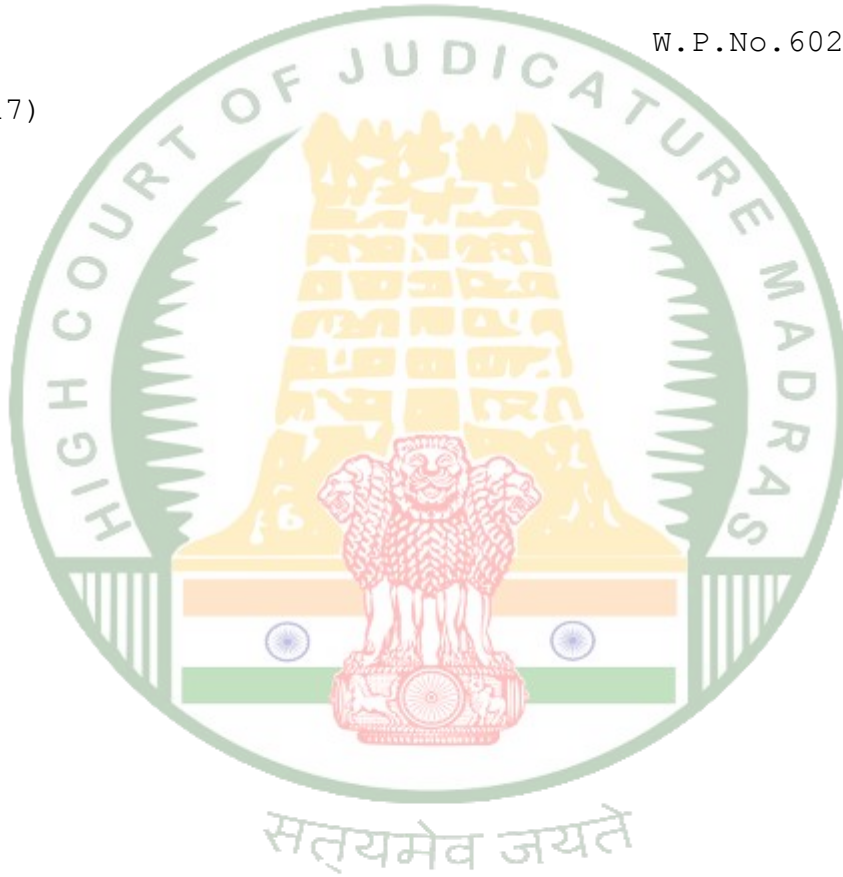
4. The Secretary to Government,  
Tamil Nadu Government,  
Rural Development and Panchayat Raj  
Secretariat, Fort St. George  
Chennai - 600 009.

+1cc to M/s.O.R.Abdul Kalam,Advocate sr.23195

+2cc to The Government Pleader sr.23291 & 24065

mp(co)  
ss(5/5/2017)

W.P.No.6025 of 2017



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