

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:02.08.2017

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE P.D.AUDIKESAVALU

W.P.Nos.10136 & 10137 of 2017 and
W.M.P.No.11120 of 2017

L.Sharmila .. Petitioner in W.P.No.10136/2017

L.Lavanya .. Petitioner in
W.P.No.10137/2017

Vs.

The Sub Collector,
Mettur, Salem District. ..Respondent in both Wps

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the respondent in his proceedings Na.Ka.2347/2013/(D) dated 14.03.2017 and quash the same and to direct the respondent to issue the Community Certificate to the Petitioners as belonging to Kondareddis community.

For Petitioners : Mr.P.Ravishankar Rao

For Respondent : Mr.K.V.Dhanapalan
Special Government Pleader
O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

The Learned Counsel for the Petitioners has made the following endorsement in W.P.No.10136 of 2017 to the effect that the Writ Petitions may be dismissed with liberty to the Petitioners to prefer an Appeal as per G.O.Ms.No.235 dated 26.06.2015 r/w. G.O.Ms.No.147 dated 17.03.2016 before the District Collector."

2.In view of the fact that the Writ Petitioners are assailing the Impugned Order of the Respondent/Sub Collector, Mettur, Salem District, dated 14.03.2017 rejecting their requests for issuance of Community Certificate to them and also this Court, taking note of the tenor and spirit of the G.O.(Ms).No.235 Revenue [RA3(2)] Department dated 26.06.2015 and also looking into the contents of G.O.(Ms).No.147 Revenue [RA-3(2)] Department dated 17.03.2016, is of the considered view that the amended G.O.(Ms). No.147 Revenue [RA-3(2)] Department dated 17.03.2016 issued by the Secretary to Government of Tamil Nadu provides for an 'Appeal' remedy to the District Collector (as an Appellate Authority) and thereafter, to the State Level Scrutiny Committee

(For Redressal of Grievances) and therefore, in all Fairness, Equity and Fair Play, this Court directs the Petitioners to prefer an Appeal before the District Collector, Salem as against the impugned order of the Respondent/Sub Collector, Mettur, Salem District dated 14.03.2017 within a period of two weeks from the date of receipt of copy of this order. Liberty is granted to the Petitioners to raise all factual and legal pleas by enclosing necessary documents to support their case before the Appellate Authority / District Collector, Salem. In such event of the Petitioners preferring an Appeal, (of course, well within the time adumbrated by this Court), it cannot be gainsaid that the Appellate Authority, viz., the District Collector, Salem is to provide an adequate opportunity of hearing to the Petitioners by adhering to the 'Principles of Natural Justice' in true letter and spirit.

3. That apart, in case, the Petitioners seek time for filing of additional documents or to lead oral/documentary evidence, then, in that event, the Appellate Authority, viz., the District Collector, Salem shall provide enough opportunity to the Petitioners by keeping in mind the 'Principles of Natural Justice'. The District Collector, Salem/Appellate Authority, is directed to pass necessary

orders on the 'Appeal', as expeditiously as possible, in an Unbiased, Free, Just, Fair, impartial and dispassionate manner, of course, in the manner known to Law and in accordance with Law, in any event, not later than six weeks thereafter. Soon after disposing of the Appeal within the time specified by this Court, the District Collector, Salem (Appellate Authority) is also directed to send a compliance report to the Registrar (Judicial) of this Court in regard to the orders so passed.

4. Recording the aforesaid fact and the endorsement so made, the Writ Petitions are dismissed as withdrawn, granting liberty to the Petitioners as aforestated. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

(M.V., J.) (P.D.A., J.)

02.08.2017

Note : Registry is directed to return the Original Impugned Order dated 14.03.2017 to the Petitioners, subject to the Petitioners producing the xerox copies of the same.

Reasoned Order

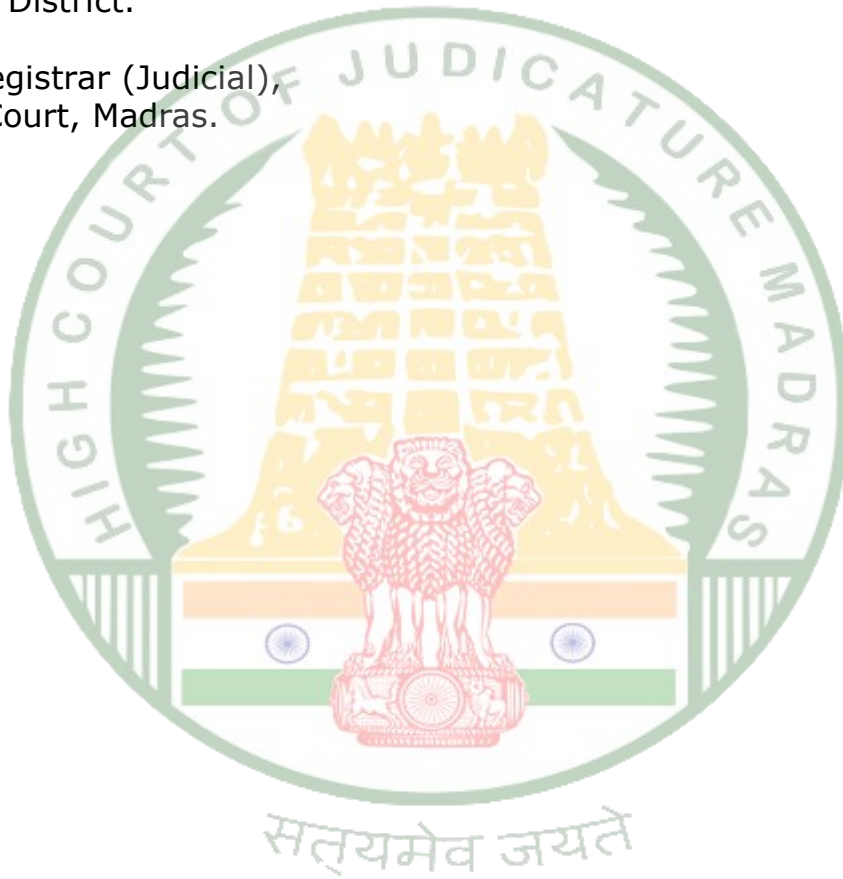
Index :Yes / No

Internet :Yes / No

Sgl

To

- 1.The Sub Collector,
Mettur, Salem District.
- 2.The District Collector,
Salem District.
- 3.The Registrar (Judicial),
High Court, Madras.



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M.VENUGOPAL, J.
and
P.D.AUDIKESAVALU, J.

Sgl



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