

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.08.2017

Coram

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

W.P.No.22528 of 2017

1. Minor N.Sugavanam
2. Minor N.Prakash
rep. By their Father / Next Friend
K.Navamani ... Petitioners

Vs.

The Revenue Divisional Officer,
Erode - 638 011,
Erode District ...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the Respondent to issue Community Certificates to the Petitioners as Hindu Kattu Naicken Community in line with the Community Certificate dated 07.08.2000 issued to their father, by considering their application dated 22.09.2009 in Referred as Na.Ka.No.4245/2014/A4.

For Petitioners : Mr.N.Manokaran

For Respondent : Mr.Elumalai
Government Advocate

O R D E R

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

Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal.

2. The Petitioners have filed the Writ Petition praying for passing of an order by this Court in directing the Respondent to issue Community Certificates to them as Hindu Kattu Naicken Community in line with the Community Certificate dated 07.08.2000

issued to their father, by considering the applications dated 22.09.2009 submitted by their father.

3. According to the Learned Counsel for the Petitioners, the Petitioners' Father / next friend belong to Hindu Kattu Naicken Community, which is a 'Scheduled Tribe'. As a matter of fact, the Petitioners' Father had applied for permanent Community Certificate and that the Revenue Authorities had directed him to approach the authorities in Madurai District. Subsequently, he filed a suit in O.S.No.1046 of 1994 on the file of Learned First Additional District Munsif, Erode, seeking Declaration that he belong to Hindu Kattu Naicken Community and for Mandatory Injunction in respect of issuance of permanent Community Certificate. It transpires that the suit was decreed and the First Appeal in Appeal Suit was dismissed. Subsequently, the State Government had preferred a Second Appeal No.1101 of 1998 before this Court, which also came to be dismissed.

4. The grievance of the Petitioners' Father is that he had submitted two Applications dated 22.09.2009 before the Respondent seeking issuance of Community Certificate for his children on the basis of Community Certificate issued to him. His application referred to above along with the report of the Village Administrative Officer dated 24.09.2009 and the report of the Revenue Inspector dated 01.10.2009 were forwarded to the Tahsildar, Erode, who inturn called for a report from the Zonal Deputy Tahsildar No.III, Erode whereupon a recommendation in Oo.Mu.No.21496/2009/A7 dated 26.10.2009 was submitted to the Respondent. Furthermore, the Tahsildar, Erode had considered the relevant materials and facts and submitted the recommendations to the Respondent for grant of Community Certificates in favour of his children.

5. The core plea taken on behalf of the Petitioners is that the Petitioners' father's two applications dated 22.09.2009 were considered and placed before the Respondent as early as on 26.10.2009. However, till date, the Respondent has not issued Community Certificates to and in favour of his two children, viz., the Petitioners. Once again the Petitioners' Father had met the Respondent on numerous occasions and prayed for issuance of Community Certificates in favour of his two children.

6. When that be the factual situation, nearly after five years, again, the Respondent had issued Enquiry Notice on 24.11.2014 by directing the Petitioners' Father to appear for enquiry on 30.12.2014, notwithstanding the fact the Petitioners' Father had appeared before the Respondent on 30.12.2014 and on that date an Enquiry came to be adjourned on 20.02.2015. The Petitioners' Father had submitted his statement in writing on

20.02.2015 and the said statement was recorded on 20.02.2015 and again on 13.04.2015.

7. At this stage, the Learned Counsel for the Petitioners brings it to the notice of this Court that the Petitioners' Father had appeared before the Respondent on 28.06.2016 on notice, and produced all relevant records, such as, his Community Certificate dated 07.08.2000 and the Judgment Copy in S.A.No.1101 of 1998. Even after completion of enquiry, the Respondent had informed him that an appropriate orders would be passed in regard to the issuance of Community Certificates to and in favour of his sons. However, to his shock and dismay, the Respondent had sent a communication dated 09.06.2016 informing that his Applications to obtain Community Certificates would be considered after recommendation from the District Scrutiny Committee.

8. At this juncture, the Learned Government Advocate appearing for the Respondent brings it to the notice of this Court that an appropriate orders would be passed by the Respondent / the Revenue Divisional Officer, Erode, soon after receipt of District Vigilance Committee Report.

9. Considering the fact that the request is made before this Court on behalf of the Respondent that an appropriate orders would be passed by the Respondent, soon after receipt of District Vigilance Report, this Court, at this stage, without expressing any opinion on the merits of the matter and also not delving deep into the factual conspectus of the matter in issue, simplicitor directs the Respondent to pass appropriate orders within a period of two weeks from the date of a receipt of copy of this Order. Soon after passing of an Order in regard to the issuance of Community Certificates to and in favour of Petitioners, the Respondent/R.D.O., Erode shall send a compliance report by addressing a communication to the Registrar Judicial of this Court without fail.

ssd

With the aforesaid observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Revenue Divisional Officer,
Erode - 638 011
Erode District

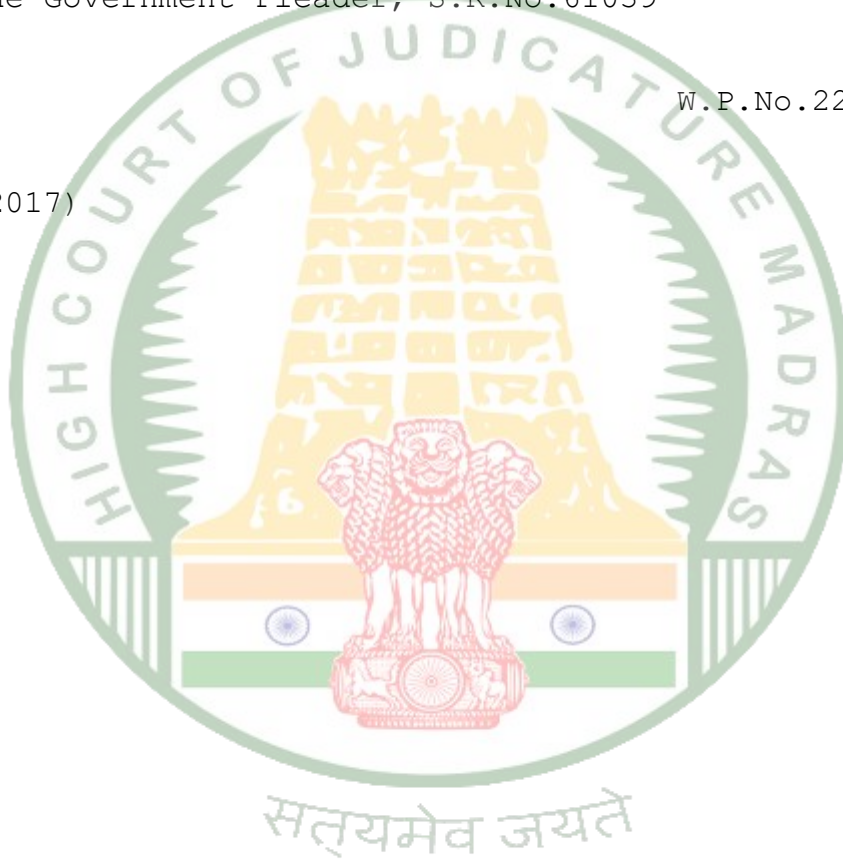
2. The Registrar Judicial,
High Court, Madras
(For favour of Information and
necessary followup action)

+1cc to Mr.N.Manokaran, Advocate, S.R.No.60871

+1cc to the Government Pleader, S.R.No.61039

W.P.No.22528 of 2017

RJ(CO)
GN(07/09/2017)



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