

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.33588 of 2017

B.Balaji

... Petitioner

- Vs -

1. The District Collector,
Collectorate Office,
Tiruvannamalai District.
2. The Tahsildar,
Polur Taluk,
Tiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to consider the petitioner representation dated 11.09.2017 and consequently direct the respondents to issue a Community Certificate to the petitioner's daughter B.Deekshitha (aged about 10 years) based upon the petitioner's Son B.Dhivagar Balaji Community Certificate No.D7FD766C6A687A86 dated 22.12.2014.

For Petitioner : Mr.DR.G.Krishnamurthy

For Respondents : Mr.S.N.Parthasarathy,
Government Advocate.

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

This writ petition seeks issuance of a Writ of Mandamus for consideration of the petitioner representation dated 11.09.2017 and consequently direct the respondents to issue a Community Certificate to the petitioner's daughter B.Deekshitha (aged about 10 years) based upon the petitioner's Son B.Dhivagar Balaji Community Certificate No.D7FD766C6A687A86 dated 22.12.2014.

2. The case of the petitioner is that Petitioner has approached Revenue Divisional Officer to issue Community Certificate to his children as "Reddy-Ganjam", which is classified as "Backward Class". As the same was rejected, Petitioner has filed WP No.22219 of 2017 seeking Community Certificate to his children and this Court, by an order dated 27.01.2014, has directed the 3rd respondent therein-Tahsildar, to re-consider the petitioner's claim and pass orders within a period of two months. On the basis of the Court order, 3rd respondent has issued a Community Certificate on 22.12.2014 to petitioner's son only. Against which, petitioner has filed Contempt Petition No.1813 of 2016 and thereafter, second respondent herein-Tahsildar has issued temporary Community Certificate to his daughter. Again, petitioner has filed another Contempt Petition No.341 of 2017 against the issuance of temporary Community Certificate and this Court, by an order dated 01.08.2017, has observed that the petitioner can either to wait for the decision to be taken by the Screening Committee or else, he can approach the Appellate Authority. Hence, petitioner made representation dated 11.09.2017 to first respondent herein/Appellate Authority, requesting to issue Community Certificate to his daughter B.Deekshitha (aged about 10 years) stating that she belongs to "Reddy-Ganjam", which is classified as "Backward Class". As no action was taken, petitioner has filed the present writ petition.

3. Learned Government Advocate submits that there is no acknowledgement produced in respect of the petitioner's representation dated 11.09.2017.

4. In such circumstance, petitioner is directed to make a fresh representation to the second respondent-Tahsildar, Polur Taluk, who shall consider the same on merits, after giving due opportunity to the petitioner. It is expected that the Authority concerned will take note of the judgment of this Court in WP.No.22219 of 2017 dated 27.01.2014 and dispose of the petitioner's representation dated 11.09.2017 and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy this order. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kmi

To

1. The District Collector,
Collectorate Office,
Tiruvannamalai District.

2. The Tahsildar,
Polur Taluk,
Tiruvannamalai District.

+lcc to Mr.S.N.Parthasarathy, Advocate, S.R.No.91945

+lcc to the Government Pleader, S.R.No.92474

W.P.No.33588 of 2017

CS/24/01/18



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