

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:10.08.2017

Coram

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

W.P.No.19942 of 2017

P.Nadimuthu .. Petitioner

Vs.

The Revenue Divisional Officer,
Nagapattinam 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 Certificate to the Petitioner's son N.A.Nandha Kumar that he belongs to "Malakkuravan (ST) Community" based upon the Community Certificate already issued to the petitioner and his father and other family members.

For Petitioner : Mr.M.P.Vairakkannan
For Mr.S.Doraisamy

For Respondent : Mr.M.Elumalai
Government Advocate

ORDER

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

Heard the Learned Counsel for the Petitioner and the Learned Government Advocate for the Respondent. By consent, the main Writ Petition is taken up for final disposal.

2. According to the Petitioner, he has filed the present Writ Petition praying for passing of an order by this Court in directing the Respondent/Revenue Divisional Officer, Nagapattinam District to issue Community Certificate in favour of his son viz., N.A.Nandha Kumar that he belongs to "Malakkuravan (ST) Community" based upon the Community Certificate already issued in his favour and his father and other family members.

3. It comes to be known that the Petitioner had preferred an Application before the Respondent on 21.11.2014 praying for issuance of Community Certificate to his son viz., N.A.Nandha Kumar that he belongs to "Malakkuravan (ST) Community". It is the specific case of the Petitioner that he has enclosed his Community Certificate, his father's Community Certificate and his brother's Community Certificate. Till date, his Application dated 21.11.2014 has not met with any positive response in the hands of the Respondent. Also that, a reminder was addressed by the Petitioner to the Respondent on 07.02.2015 and the said reminder was forwarded by the Respondent on 12.05.2015 to the Tahsildar, Nagapattinam for an enquiry. It appears that the Tahsildar had conducted an enquiry, but, till date, he has not passed an order.

Thereafter, the Petitioner had made a request to the Respondent again on 29.12.2016. But, till date ,no Community Certificate was issued by the Respondent. Hence, the Petitioner has filed the present Writ Petition.

4.In response, Mr.M.Elumalai, Learned Government Advocate appearing for the Respondent informs this Court that the report of the Tahsildar was directed to be furnished by him within a period of two weeks, as per Communication in Na.Ka.457/2017 A5 dated 08.08.2017 of the Respondent/Revenue Divisional Officer, Nagapattinam District addressed to the Learned Government Advocate, High Court, Madras. Further, the Respondent had also prayed for four weeks time to pass necessary orders in the subject matter in issue.

5.Considering the limited relief sought for by the Petitioner in the instant Writ Petition as aforestated and also this Court, taking note of a prime fact that on behalf of the Respondent/Revenue Divisional Officer, Nagapattinam only four weeks time is sought for to dispose of the Application of the Petitioner dated 21.11.2014 and to pass necessary orders, this Court, acceding to the plea of

the Respondent, grants four weeks time to the Respondent/Revenue Divisional Officer, Nagapattinam to dispose of the Application of the Petitioner dated 21.11.2014 by passing a reasoned, speaking order on merits, in a Just, Fair, unbiased, impartial with an open mind and that too in a dispassionate manner, of course, in the manner known to Law and in accordance with Law. The Respondent, while passing the necessary orders in the subject matter in issue, is to provide an adequate opportunity to the Petitioner to raise all factual and legal pleas before the Respondent, who shall advert to the same. Soon after disposal of the Application of the Petitioner dated 21.11.2014, the Respondent shall send a Compliance Report, by addressing a communication, to the Registrar (Judicial) of this Court without fail.

6. With the aforesaid direction, the Writ Petition is disposed of. No costs.

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

10.08.2017

Speaking Order

Index : Yes / No

Internet : Yes / No

Sgl

To

- 1.The Revenue Divisional Officer,
Nagapattinam District.
- 2.The Tahsildar,
Nagapattinam District.
- 3.The Registrar (Judicial)
High Court, Madras.
(For information and necessary
follow up action)



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

Sgl



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