



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.1038 of 2016

M.B.Sundar : Petitioner

Vs.

The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing the respondent to issue Community Certificate to the petitioner to the effect that he belongs to the Konda Reddi Community (Schedule Tribe) pursuant to the order of this Court dated 20.10.2014 in W.P.No.21124 of 2014 and representation made by the petitioner dated 04.06.2015 and 19.08.2015

For Appellant : Mr.V.Vijay Shankar

For Respondent : Mr.N.S.Karthikeyan,
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by R.SUBBIAH, J.]

This Writ Petition has been filed seeking for a writ of Mandamus directing the respondent to issue Community Certificate to the petitioner to the effect that he belongs to Konda Reddis Community (Schedule Tribe) pursuant to the order of this Court dated 20.10.2014 in W.P.No.21124 of 2014 and based on the representation made by the petitioner, dated 04.06.2015 and 19.08.2015.

2. It has been averred in the affidavit that the petitioner belongs to Konda Reddis Community. His family hails from Andra Pradesh and about sixty years back, they were settled at Muthiapuram Village, Vilathikulam Taluk, Kovilpatti District. While so, about sixty years back, the petitioner had migrated to Chennai. The driving licence, ration card also would show his Chennai address. While so, on 31.08.2009, the petitioner



approached the P.A. To Collector, Chennai seeking for community certificate to him to the effect that he belongs to Konda Reddis community. The Collector has also directed the revenue authorities to make an inspection. Accordingly, inspection was conducted and the enquiry revealed that the petitioner's family belongs to Konda reddis community. Thereafter, the petitioner came to know that the Tahsildar made a recommendation that community certificate may be issued to the petitioner. But, it appears that since the petitioner's father hails from Muthiapuram Village coming within Kovilpatti Revenue Division, the certificate was not issued. Hence, earlier the petitioner approached this Court in W.P.No.21124 of 2014. The said writ petition was ordered vide order dated 20.10.2014, wherein this Court directed that since the petitioner was residing at Muthiapuram Village under the jurisdiction of the Revenue District Office, Kovilpatti, application of the petitioner should be considered by the said Authority. Based on that, the petitioner's application was transferred to the respondent herein. But, there appears to be some delay in forwarding the original application, dated 31.01.2009. Thereafter, the petitioner came to know that despite the direction by the Revenue Divisional Officer, Kovilpatti, to conduct local enquiry and to issue community certificate to the petitioner, no orders have been passed till date. Hence, he has come forward with the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

4. Though the petitioner has sought for a positive direction to issue community certificate to the petitioner, now the learned counsel for the petitioner submitted that the petitioner has submitted a representation on 19.08.2015 and if a direction is given to consider the said representation that would suffice.

5. In view of the said submission, without going into the merits of the case, the petitioner is directed to sent a copy of the representation dated 19.08.2015 along with a copy of this order, to the respondent herein and on receipt of the same, the respondent is directed to consider the same and pass appropriate orders with regard to issuance of community certificate to the petitioner, within a period of four weeks thereafter.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/



To
The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

+1cc to Mr.V.Karthikeyan, Advocate Sr.No.6751

pm

SM:CM-MSA:01.03.2017:3p/3c

Judgment made in
W.P. [MD].No.1038 of 2016
06.02.2017