



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2017**

CORAM:

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

W.P. [MD] .No.2845 of 2017

V.Kannan : Petitioner

Vs.

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Revenue Divisional Officer,
Thoothukudi, Thoothukudi District.

3.The Tahsildar,
Srivaikundam, Thoothukudi District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to consider the petitioner's representation dated 07.09.2016 and issue Hindu Kattunayakkan Community Certificate to him, on surrendering his Thottinayakkar Community Certificate, dated 22.09.2011 in Certificate No.4116790 within a time frame.

For Petitioner : Mr.M.Veilkani Raju

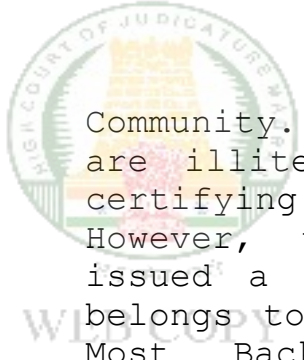
For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

O R D E R

[Order of the Court was made by **R.SUBBIAH, J.**]

This Writ Petition has been filed seeking to issue a Writ of Mandamus directing the second respondent herein to consider the petitioner's representation dated 07.09.2016 and issue Hindu Kattunayakkan Community Certificate to him, on surrendering his Thottinayakkar Community Certificate, dated 22.09.2011 in Certificate No.4116790 within a time frame.

2. The case of the petitioner is that he belongs to Hindu Kattunayakkan Community, which is recognized as a Scheduled Tribe



Community. Now, he is undergoing M.B.A., Degree. His parents, who are illiterate, applied for issuance of community certificate, certifying that he belongs to Hindu Kattunayakkan Community. However, the respondents, without conducting proper enquiry, issued a community certificate, certifying that the petitioner belongs to Hindu Thottinayakkar Community, which comes under the Most Backward Class. Therefore, the petitioner made a representation on 07.09.2016 before the second respondent to permit him to surrender Hindu Thottinayakkar Community Certificate issued by the third respondent on 22.09.2011 and with a request to issue a fresh community certificate, recognizing him as Hindu Kattunayakkan Community, taking into account the community certificates already issued to his close relatives, namely, one Gandhi and Krishnan during the year 1990 and 1992. Since no action has been taken, the petitioner has come forward with the present Writ Petition, for the relief stated earlier.

3. Considering the limited scope of the prayer sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, the petitioner is directed to submit a copy of the representation dated 07.09.2016, along with a copy of this order to the second respondent and on receipt of the same, the second respondent is directed to conduct an enquiry, provide an opportunity to the petitioner to submit documents, if any, in support of his claim and thereafter, pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter. It is made clear that this Court has not expressed any opinion on the merits of the matter and it is for the second respondent to decide the issue purely on merits.

4. The Writ Petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

NB

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Thoothukudi District.



3.The Tahsildar,
Sri vaikundam,
Thoothukudi District.

WEB COPY

+1cc to Mr.Veilkani Raju, Advocate Sr.No. 9360

+1cc to Spl.Government Pleader Sr.No. 9684

JAM/01.03.17 /MR / 3p-6c

**ORDER MADE IN
W.P. [MD] .No.2845 of 2017
21.02.2017**