



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3649 of 2017

Gurusamy

: Petitioner

Vs.

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tenkasi Division,
Tirunelveli,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider and pass order on the appeal filed by the petitioner dated 13.02.2017 as expeditiously as possible.

For Petitioner

: Mr.K.Samidurai

For Respondents

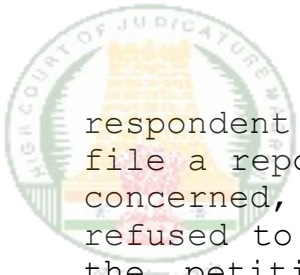
: Mr.VR.Shanmuganathan,
Special Government Pleader

O R D E R

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

The petitioner has come up with the present Writ Petition seeking for the issuance of a Writ of Mandamus, directing the first respondent to consider and pass order on the appeal filed by him dated 13.02.2017, as expeditiously as possible.

2. The case of the petitioner is that he belongs to Kattunayakan Community, which is classified as Scheduled Tribe. He was issued with the Transfer Certificate, wherein it is mentioned as he belongs to 'Hindu Kattunayakan Community'. He has three sons and two daughters. His two daughters and one son were issued with Hindu Kattunayakan Community Certificate in the year 2012 itself. While so, the Government had issued free house site pattas to the Kattunayakan Scheduled Tribe, who were residing at Rayagiri Village in the year 1992. As per the said Scheme, he was also issued with 2 cents house site by the Government of Tamil Nadu. Thereafter, he sent a representation to the second respondent to issue Hindu Kattunayakan Community Certificate to the other two sons as they belong to Kattunayakan Community. On representation, the second



respondent directed the Tahsildar concerned to conduct enquiry and file a report. On the basis of the report submitted by the Tahsildar concerned, the second respondent has rejected the application and refused to issue Certificate to his sons. In support of his claim, the petitioner has produced his children's School Certificate, wherein it is mentioned as they belong to Kattunayakkan Community. However, without perusing the same, the second respondent rejected his request, vide order dated 11.08.2014. Aggrieved over the same, the petitioner filed an appeal before the first respondent on 13.02.2017. The said appeal is still pending consideration by the first respondent. Hence, the petitioner has come forward with the present Writ Petition for the reliefs as stated above.

3. We have heard the learned counsel for the petitioner, as well as the learned Special Government Pleader for the respondents and we have also gone through the materials available on record.

4. 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 first respondent is directed to consider and dispose of the appeal filed by the petitioner dated 13.02.2017 on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to decide the appeal purely on its own merits.

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

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tenkasi Division,
Tirunelveli,
Tirunelveli District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 11965 (in all WPs)

+1 CC to M/s.K.SAMIDURAI, Advocate, SR No. 12422

SML

PSM/MR/SAR3/21.04.2017/2P/5C