



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2017

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND**

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
W.P.(MD)No.3655 of 2017**

Chinnathampi : 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 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 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. His son and daughters have studied in Tenkasi, Tirunelveli District. They were issued with the Transfer Certificate, wherein it is mentioned as they belong to 'Hindu Kattunayakan Community'. His parents also belong to Kattunayakan Community. The brother of the petitioner's wife, by name Perumal was also issued with Hindu Kattunayakan Community Certificate. While so, the Government had issued free house site pattas to the Kattunayakkan 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 Kattunayakkan Community Certificate to his children as though they belong to Kattunayakkan



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 children. In support of his claim, the petitioner has produced his children's School Certificate and the Community Certificate of his brother-in-law Perumal, wherein it is mentioned as they belong to Kattunayakkan Community. However, without perusing the same, the second respondent rejected his request, vide order dated 07.11.2013. 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 M/s. K.SAMIDURAI, Advocate, SR No. 12428

SML

PSM/MR/SAR3/21.04.2017/2P/4C