



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. [MD] .No.5686 of 2017

E.Karuppusamy

: Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

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

: 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 issue a permanent Hindu Malaivedan Community Certificate to the petitioner on the basis of his explanation dated 20.02.2016 within a time frame fixed by this Court.

For Petitioner : Mr.P.Kalaiyarasi Bharathi

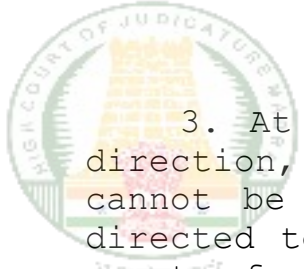
For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard the learned counsel for the petitioner and the learned Special Government Pleader, who accepts notice for the respondents. By consent, the Writ Petition itself is taken up for final disposal at the stage of admission.

2. This Writ Petition has been filed seeking a Writ of Mandamus directing the second respondent herein to issue permanent Hindu Malaivedan Community Certificate to the petitioner, on the basis of his explanation dated 20.02.2016 within a time frame.



3. At the very outset, we should state that such a positive direction, as sought for by the petitioner in this Writ Petition, cannot be granted to the second respondent and all that can be directed to be done is to consider the case of the petitioner for grant of community certificate on merits and in accordance with law. The application of the petitioner and the annexure have been received by the second respondent. The petitioner has relied upon the community certificate issued in favour of one Mr.M.Narayanan. The second respondent has directed the petitioner to produce a copy of the community certificate of the said Mr.M.Narayanan. The case of the petitioner is that he is unable to produce a copy of the community certificate issued in favour of Mr.M.Narayanan, as he is a third party.

4. In the given facts and circumstances of the case, we direct the second respondent to consider the application of the petitioner dated 20.02.2016, based on the available documents submitted by the petitioner, without insisting for the production of a copy of the community certificate issued in favour of Mr.M.Narayanan and pass appropriate orders, on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner and to take a decision in the matter and communicate the same to him, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District, Madurai.

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

+1cc to Mr.P.Kalaiyarasi Bharathi, Advocate Sr.No.19240
+1cc to Spl.Government Pleader Sr.No.50397

NB

VB/SV/SAR2/13.04.2017/2P/5C