



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Writ Petition (MD) No.5793 of 2013

and

M.P(MD)No.1 of 2013

1.Jeganathan
2.J.Karthikeyan
3.J.Devasena
4.J.Saravana Devi

... Petitioners

Vs.

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Collector Office, Dindigul.

3.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent dated 25.03.2013 in proceedings Na.Ka.No.3653/2011/A4 and quash the same, as the same is arbitrary, ultra vires, contrary to the principles of natural justice, audi altrum partem in colorable exercise of power, mala fide and in violation of the order dated 02.01.2013 passed in W.P. (MD)No.6372 of 2012 and consequently direct the second respondent to revalidate the permanent community certificates issued to the petitioners by the third respondent bearing Nos.116824, 116825, 116826,116827.

For Petitioners	: Mr.R.G.Shankar Ganesh
For Respondents	: Mr.S.Chandrasekar, Government Advocate.

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM,J**)

<https://hcservices.ecourts.gov.in/hcservices/116827> Mr.R.G.Shankar Ganesh, learned counsel for the petitioners and Mr.S.Chandrasekar, learned Government Advocate appearing for the respondents.



2.This writ petition has been filed challenging the order passed by the second respondent, dated 25.03.2013 cancelling the community certificates already issued to the petitioners which is arbitrary and in violation of principles of natural justice and contrary to the direction issued by the Division Bench of this Court in W.P.(MD)No.6372 of 2012, dated 02.01.2013.

3.The said writ petition was filed by the petitioners seeking mandamus to direct the Revenue Divisional Officer, Dindigul to validate the permanent community certificates issued in their favour in consonance with G.O.Ms.No.2137, Adi Dravidar and Tribal Welfare Department, dated 11.11.1989 and the Government Letter dated 16.09.1991.

4.The Division Bench, by an order dated 02.01.2013 directed the Revenue Divisional Officer to process and re-validate the community certificates already issued in favour of the petitioners stating that they belong to Malai Vedan community in the light of the decision of the Hon'ble Supreme Court in the case of **R.Kandasamy Vs.The Chief Engineer, Madras Port Trust**, reported in **1997 (III) CTC 36**.

5.After the direction was issued by the Division Bench, the second respondent, namely, the Revenue Divisional Officer, Dindigul, by an order dated 25.03.2013 cancelled the community certificates which were initially issued by the Tahsildar, Nilakottai on 28.06.1989. This order was impugned in this writ petition.

6.In the meantime, the petitioners have filed Contempt Petition (MD)No.450 of 2013, stating that the order and direction issued by the Division Bench in W.P.(MD)No.6372 of 2012 dated 02.01.2013 had been violated. On notice being issued in the contempt petition, the respondents appeared through the Special Government Pleader and submitted that the community certificates of the petitioners have been re-validated and copies were produced before the Court. Therefore, the contempt petition was closed.

7.In the light of the subsequent development, the impugned order has to be held to be unsustainable. Accordingly, the writ petition is allowed and the impugned order passed by the second respondent dated 25.03.2013 is set aside. No costs. Consequently, M.P(MD)No.2 of 2013 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

1. The District Collector,
Dindigul District.
2. The Revenue Divisional Officer,
Collector Office,
Dindigul.
3. The Tahsildar,
Nilakottai Taluk,
Dindigul District.

+1 cc to Mr.R.G.Shankar Ganesh, Advocate, SR.No. 53413

**Writ Petition (MD) No.5793 of 2013 and
M.P (MD) No.1 of 2013
21.04.2017**

sms

MKV-MMS-SAR 4/2.5.2017/3P-5C