

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.10168 of 2018

M.Raveendiran

... Petitioner

Vs.

1. The Tahsildar,
Vandavasi Taluk,
Tiruvannamalai District.

2. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pursuant to the order in Na.Ka.Aa2/4975/2016 dated 27.03.2018 passed by the 1st respondent and to quash the same as illegal and arbitrary and consequently direct the 1st respondent to issue Community Certificates to the petitioner's sons viz. R.Vinodh Kumar and R.Varun Prasad as "Hindu Reddy Ganjam" community in accordance with Government order G.O.Ms.No.541 Social Welfare Department dated 24.07.1981 and circular in Na.Ka.No.E.2/2627/2011 dated 23.02.2011 issued by the 1st respondent.

For Petitioner : Mr.S.L.Venkatesan

For Respondents: Mr.S.Suresh Kumar,
Government Advocate

O R D E R

(Order of the Court was made by R.SUBBIAH,J.)

This writ petition has been filed by the petitioner to issue a Writ of Certiorarified Mandamus, to call for the records pursuant to the order in Na.Ka.Aa2/4975/2016 dated 27.03.2018 passed by the 1st respondent and to quash the same and consequently direct the 1st respondent to issue Community Certificates to his sons viz., R.Vinodh Kumar and R.Varun Prasad

as Hindu Reddy Ganjam Community in accordance with Government order G.O.Ms.No.541 Social Welfare Department dated 24.07.1981 and circular in Na.Ka.No.E.2/2627/2011 dated 23.02.2011 issued by the 1st respondent.

2. In the affidavit, it has been stated that the petitioner's forefather had settled at Vandavasi, Tiruvannamalai District. They belong to 'Ganjam Reddy' and several families have settled in Vandavasai Taluk. The Government of Tamilnadu scheduled his community 'Ganjam Reddy' as backward community from 15.05.1972. In the sale deed dated 19.06.1990, through which the petitioner purchased a property, his caste was clearly mentioned as 'Ganjam Reddy' community. Based on the said sale deed as well as the other relevant documents produced by the petitioner, the community certificate was issued to the petitioner mentioning his caste as 'Ganjam Reddy'. While so, the petitioner submitted an application for issuance of community certificate to his sons viz., R.Vinodh Kumar and R.Varun Prasad. The Village Administrative Officer, after enquiry, made a recommendation to the first respondent to issue community certificate. The first respondent rejected his application by order dated 22.01.2016 stating that no documents evidencing the proof pertaining to Ganjam Reddy Community has been submitted by the petitioner. Therefore, the petitioner filed W.P.No.26350 of 2016, challenging the order dated 22.01.2016 and this Court, by order dated 04.08.2016, directed the first respondent to reconsider the application of the petitioner after duly verifying the documents filed by the petitioner. However, the first respondent has mechanically passed an order without considering the documents and thus, rejected the petitioner's application by order dated 17.11.2016. Aggrieved over the same, the petitioner filed W.P.No.44135/2016 before this Court and this Court had set aside the order dated 21.06.2017 and directed the first respondent to reconsider the issue afresh. But the first respondent did not comply with the said order. Hence, the petitioner was forced to file a contempt petition in Contempt Petition No.783 of 2018. Thereafter, again the first respondent rejected the application of the petitioner by order dated 27.03.2018. Therefore, challenging the same, the present writ petition is filed.

3. Heard Mr.S.L.Venkatesan, the learned counsel appearing for the petitioner and Mr.S.Suresh Kumar, the learned Government Advocate appearing for the respondents.

4. The only submission made by the learned counsel for the petitioner is that the first respondent has been passing the rejection order again and again without considering the documents produced on the side of the petitioner. Therefore, he sought for setting aside the order and to remit back the matter once again to the first respondent to consider his application by taking

note of all the relevant documents.

5. The said contention of the learned counsel for the petitioner is opposed by the learned Government Advocate by stating that this is the third round of litigation and on earlier two occasions, this Court had remitted the matter back to the first respondent and he has also considered the same and passed the orders. Therefore, he sought for dismissal of the writ petition.

6. Keeping in view the submissions made on either side and considering the factual matrix, this Court is not inclined to remit back the matter by setting aside the impugned order. In fact, the petitioner is having effective and alternative remedy before the Revenue Divisional Officer. When there is an effective and alternative remedy available to the petitioner, remitting back the matter again and again to the same authority will not be proper. Therefore, we are not inclined to entertain the prayer sought for in this writ petition. Hence, the writ petition is dismissed. However, the petitioner is at liberty to file an appeal before the Revenue Divisional officer. The petitioner is also at liberty to produce all the relevant documents to substantiate his claim before the concerned Revenue Divisional Officer and on filing of appeal along with relevant documents, the concerned Revenue Divisional Officer is directed to consider the same and pass appropriate orders as early as possible. No costs.

Sd/-

Assistant Registrar (CS-iii)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Tahsildar,
Vandavasi Taluk,
Tiruvannamalai District.
2. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

3. The Revenue Divisional Officer,
Vandavasi Taluk,
Tiruvannamalai District.

+1cc to Mr.G.KRISHNAMOORTHY, Advocate, S.R.No.34706
+1cc to the Government Pleader, S.R.No.35349

W.P.No.10168 of 2018

RK (CO)
TR(08/06/2018)



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