

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL
AND

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.10254 of 2018

and

W.M.P.No.12184 of 2018

1.S.Manigandan
2.S.Jeevitha
3.S.Geetha

... Petitioners

vs.

1.The Collector,
Vellore District.

2.The Sub Collector,
Thirupathur,
Vellore District.

3.The Tahsildar,
Ambur Town,
Vellore District.

4.The Deputy Tahsildar,
Ambur Town,
Vellore District.

5.Revenue Inspector,
Ambur Town,
Vellore District.

6.Village Administration Officer,
Ambur Town,
Vellore District-635 802

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the Second Respondent to pass a reasoned order in writing to the Petitioners, based on the enquiry held on 28.3.2017, 30.03.2017 and finally on 12.05.2017, along with the Community Certificate of the Petitioners, as belonging to ST Kurumans, within a reasonable time to be fixed by this Court.

For Petitioner : Mr.B.Ravi Raja

For Respondents : Mr.Akil Akbar Ali,G.A.

ORDER

(Order of the Court was made by M.VENUGOPAL,J.)

The Petitioners have focused the present Writ Petition praying for passing of an Order by this Court in directing the Second Respondent/The Sub Collector, Thirupathur, Vellore District, to pass a reasoned Order in writing in their favour, based on the enquiry that took place on 28.3.2017, 30.03.2017 and finally on 12.05.2017, along with their Community Certificate as belonging to 'ST Kurumans' within any reasonable time to be determined by this Court.

2.It is the stand of the Petitioners that based on the Representation dated 07.11.2016, given by the First Petitioner's Father before the Office of the First Respondent/Collector, Vellore District, the First Respondent had forwarded the said Representation to the Second Respondent/Concerned Officer. The Second Respondent had given direction to the Third Respondent/Tahsildar, Ambur Town, Vellore District, the Fifth Respondent/Revenue Inspector, Ambur Town, Vellore District and the Sixth Respondent/Village Administration Officer, Ambur Town, Vellore District to cause an enquiry into the Representation dated 07.11.2016, as regards the issuance of 'Community Certificate' to the Petitioners.

3.Based on the direction given by the Second Respondent/Sub Collector, Thirupathur, Vellore District, the First Petitioner attended enquiry along with his Father and Sisters with all related documents relevant to himself and his sisters, which reveal that they belong to 'SC Kurumans' Community.

4.It comes to be known that on 28.3.2017, the Sixth Respondent/Village Administrative Officer, Ambur Town, Vellore District, had conducted an enquiry and subsequently, on 30.03.2017, the Fifth Respondent/Revenue Inspector, Ambur Town, Vellore District and the Fourth Respondent/Deputy Tahsildar, Ambur Town, Vellore District conducted enquiries and finally on 12.05.2017, the Third Respondent/The Tahsildar, Ambur Town, Vellore District conducted an enquiry and all of them had verified the related documents and recommended that there is no doubt, based on the documents, life style, culture, spiritualities etc., that the Petitioners belong to 'ST Kurumans' Community.

5.The main grievance of the Petitioners is that the enquiry and the Recommendation Report were all over by 12.05.2017, but the Second Respondent/Sub Collector, Thirupathur, Vellore District had merely kept the files pending and further steps have not been taken either to initiate further enquiry or to issue the 'Community Certificate'. Because of the non-availability of the Community Certificate, while applying for Higher Education, or to apply for the Government Jobs etc., the Petitioners find great difficulty. In short, without assigning reasons, the Second Respondent/issuing Authority kept the file pending only for reasons best known to him. Hence, the Petitioners have filed the present Writ Petition.

6.This Court, on 14.06.2018 had directed the Respondents to ascertain about the status of the out come of the Enquiry that took place on 12.05.2017.

7.Today when the matter is taken up for hearing, the status of the out come of Enquiry that took place finally on 12.05.2017 is not made known to this Court.

8.Considering the fact that the Enquiry took place finally on 12.05.2017 before the concerned Authority and this Court taking note of the fact that considerable time had elapsed in this regard, at this stage, simpliciter deems it fit and proper in directing the Second Respondent/Sub Collector, Thirupathur, Vellore District, to pass a reasoned speaking Order on merits and in accordance with law within a period of two weeks from the date of receipt of copy of this Order, if not already passed Orders in this regard. The said Order is to be passed by the Second Respondent in a fair, free, just, dispassionate and unbiased manner, untrammelled and uninfluenced with any of the observations made by this Court in this Writ Petition.

With the above Observations/Directions, the Writ Petition is disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msk

To

1.The Collector,
Vellore District.

2.The Sub Collector,
Thirupathur,
Vellore District.

3.The Tahsildar,
Ambur Town,
Vellore District.

4.The Deputy Tahsildar,
Ambur Town,
Vellore District.

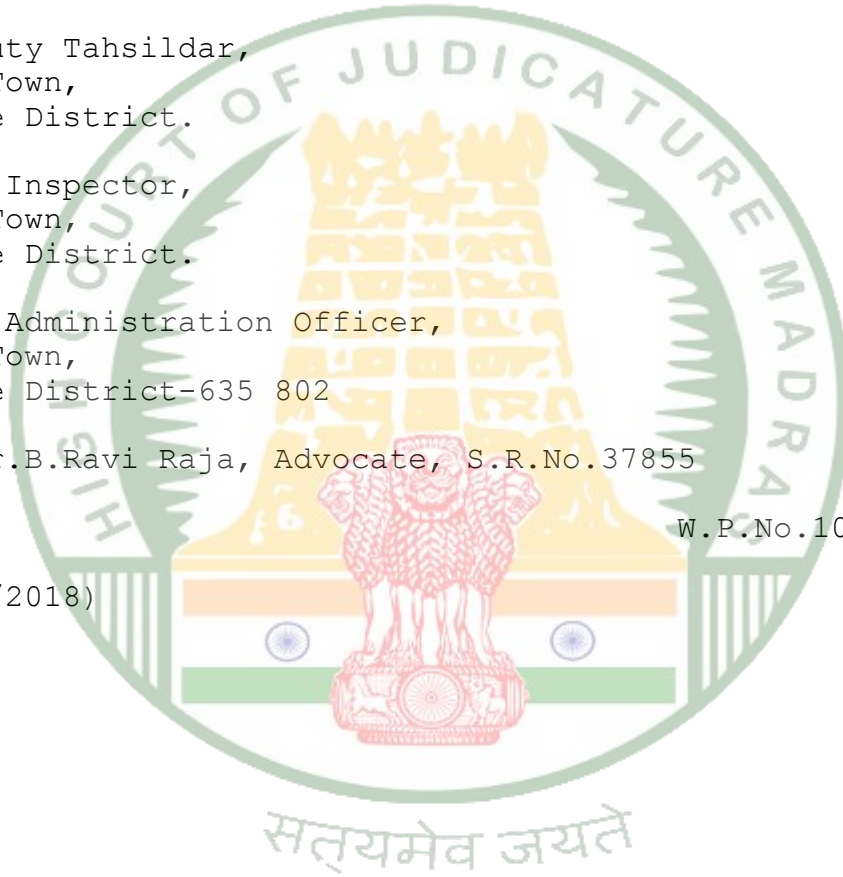
5.Revenue Inspector,
Ambur Town,
Vellore District.

6.Village Administration Officer,
Ambur Town,
Vellore District-635 802

+2cc to Mr.B.Ravi Raja, Advocate, S.R.No.37855

W.P.No.10254 of 2018

GSP(19/06/2018)



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