

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R. SUBBIAH
AND
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 31381 of 2017

1. R. Gunasekar
 2. M.R. Saranya
- ..Petitioners

Vs.

1. The Revenue Divisional Officer,
Attur, Salem District.
 2. The District Collector,
Salem District.
- ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records relaing to the proceedings bearing number Na.Ka.3979/2015(A3) dated 19.11.2015 and the proceedings in Na.Ka.3987/2015 (A3) dated 19.11.2015 of the first respondent and to quash the orders passed therein and consequently to direct the first respondent to issue the Malikuravan ST Community Certificate in favour of the petitioners herein.

For Petitioners:: Mr.Yogesh Kannadasan

For Respondents:: Mr.S.N. Parthasarathy,
Govt. Advocate

O R D E R

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

This writ petition is filed for issue of a Writ of Certiorarified Mandamus to call for the records relaing to the proceedings bearing number Na.Ka.3979/2015(A3) dated 19.11.2015 and the proceedings in Na.Ka.3987/2015 (A3) dated 19.11.2015 of the first respondent and to quash the orders passed therein and consequently to direct the first respondent to issue the Malikuravan ST Community Certificate in favour of the petitioners herein.

2. The case of the petitioners is that they belong to Malaikuravan Community, which is one of the communities listed as a Scheduled Tribe. According to the petitioners, though the authorities have been issuing community certificates to various members of Malaikuravan Community for several years, suddenly, the Revenue Authorities had taken a stand that no such community exists in the entire Salem District and hence, the petitioners' association filed a writ petition in W.P. No. 6212 of 2000 and by order dated 04.04.2000, the authorities were directed to decide the applications submitted by the individuals for the issuance of community certificate on merits. It is further stated by the petitioners that when one individual by name Ms. Tamilselvi, belonging to the petitioners' community approached the Revenue Divisional Officer, Salem, for the issuance of community certificate in her favour, it was not issued and hence, she filed a writ petition in W.P. No. 9122/1998. When the writ petition was taken up for hearing, the authorities had given her the community certificate, which fact was recorded by this Court and the writ petition was disposed of. However, subsequently, the District Collector by proceedings dated 09.08.2002 had once again taken the stand that Malaikuravan Community people are not residing in the petitioners' village and that those living in the village only belong to Kuravan community, which is classified as a Scheduled Caste community. While so, the petitioners approached the 1st respondent for issuance of community certificate. However, their request came to be rejected, which made the petitioners to file W.P. Nos. 23603 & 23604 of 2015 and the said writ petitions were disposed of directing the 1st respondent to consider the petitioners' application and pass appropriate orders on merits. Subsequently, by the impugned order dated 19.11.2015, the petitioners' request has been rejected stating that there is no Malaikuravan Community in the petitioners' village, which reasoning, according to the petitioners, is contrary to the order passed by this Court in W.P. No. 6212 of 2000. Challenging the same, the present writ petition has been filed for the relief aforesaid.

3. As against the order under challenge, the petitioners have got an Appellate Remedy before the District Collector concerned and without availing the said remedy, the petitioners have approached this Court by filing this writ petition. Therefore, we are not inclined to entertain the writ petition.

4. However, the petitioners are at liberty to approach the Appellate Authority, namely, The District Collector, Salem, the 2nd respondent herein, by way of an appeal, within a period of two weeks from the date of receipt of a copy of this order and on filing of such appeal, the District Collector, Salem, shall consider and dispose of the same, on or before 30th April, 2018.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

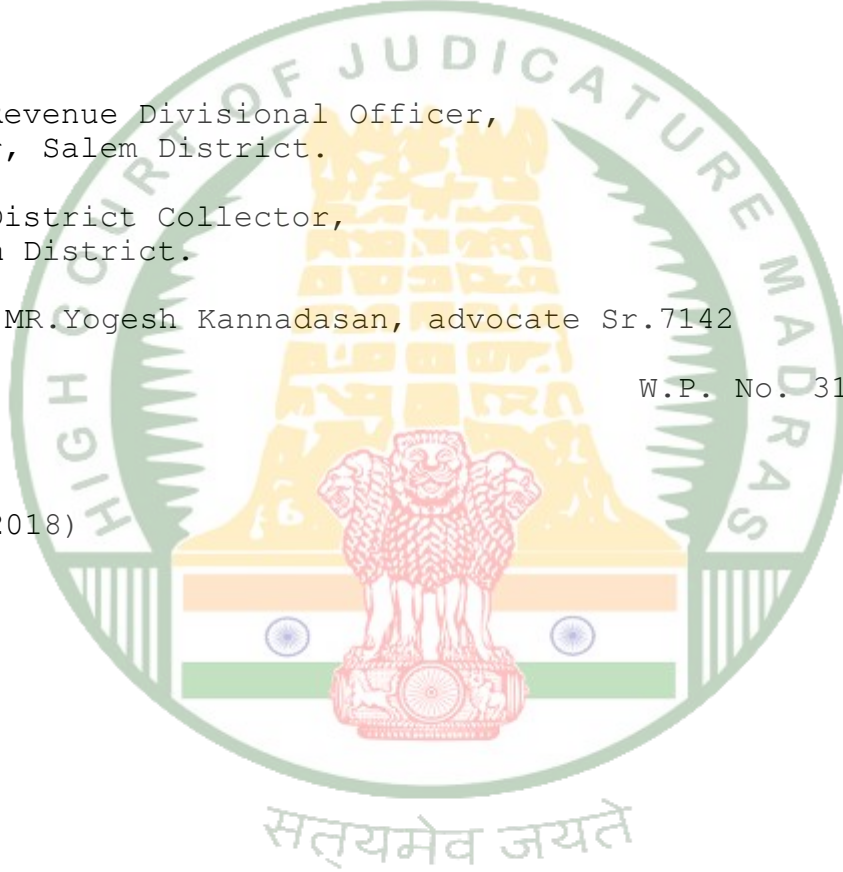
1. The Revenue Divisional Officer,
Attur, Salem District.

2. The District Collector,
Salem District.

+ 1 cc to MR.Yogesh Kannadasan, advocate Sr.7142

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SSI(CO)
EU(23/02/2018)



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