

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.04.2018

DELIVERED ON : 13.06.2018

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH

and

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

**W.P.No.22677 of 2017
and WMP No.23776 of 2017**

S.Chithuraj

.... Petitioner

vs

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in the order bearing No.Na.Ka.10791/2015/A4 dated 18.07.2017 passed by the Respondent and quashing the same, and directing the Respondent to hold fresh enquiry in accordance with law and decide whether the Petitioner belongs to " Kurumans" Scheduled Tribe.

For Petitioner : Mr.M. Radhakrishnan

For Respondents: Ms.Narmadha Sampath
Addl.Advocate General-VIII
assisted by
Ms.Thangavadhana Balakrishnan
Addl. Government Pleader

ORDER

P.D. AUDIKESAVALU,J.,

The Petitioner in this Writ Petition challenges the Order dated 18.07.2017 passed by the Respondent rejecting the request for issuance of "Kurumans" Scheduled Tribe Community Certificate and sought for consequential direction to hold fresh enquiry and decide whether the Petitioner belongs to Kurumans" Scheduled Tribe.

सत्यमेव जयते

2. It is not in dispute that the Government of Tamil Nadu vide G.O.(Ms)No.235, Revenue [RA3(2)] Department, dated 26.06.2015 on the observations made by the Madurai Bench of Madras High Court in the order dated 05.02.2015 in W.P.(MD)No.1355 of 2015 to provide at least one appeal remedy for factual adjudication, had constituted an

Appellate Authority, viz., the District Collector, to hear appeal against orders of Revenue Divisional Officer, rejecting the issuance of Schedule Tribe Community Certificate. In pursuance of the observations of the Madurai Bench of Madras High Court in W.P.(MD)No.3708 of 2016, the Government of Tamil Nadu vide G.O.(Ms)No.147, Revenue [RA-3(2)] Department, dated 17.03.2016, had provided for revision before the State Level Scrutiny Committee against the orders of the District Collector in appeals rejecting the issuance of Scheduled Tribe Community Certificate by the Revenue Divisional Officer. Hence, this Court does not find any justification to entertain the present Writ Petition directly challenging the orders of rejection of Scheduled Tribe Community Certificate by the Revenue Divisional Officer to the Petitioner without exhausting the effective alternative remedy by way of an appeal before the District Collector and thereafter, revision to the State Level Scrutiny Committee.

3. Though the Petitioner is not entitled to the relief as claimed in the Writ Petition, in the interests of justice, the Petitioner is permitted to prefer an appeal against the order of the Revenue Divisional Officer, rejecting the issuance of Scheduled Tribe Community Certificate, before the Appellate Authority within a period of two weeks from the

date of receipt of a copy of this order. If such appeal is preferred, the Appellate Authority shall consider the same and pass reasoned orders on merits in accordance with law, after affording opportunity of hearing to the Petitioner and communicate the decision to the concerned person, within a period of six weeks thereafter.

4. The Writ Petition is disposed of on the above terms. No costs. Consequently, connected WMP is closed.

(R.P.S.J.,) (P.D.AJ.,)

13.06.2018

Speaking/Non-Speaking Order

Internet : Yes / No

Index : Yes / No

sr

To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District

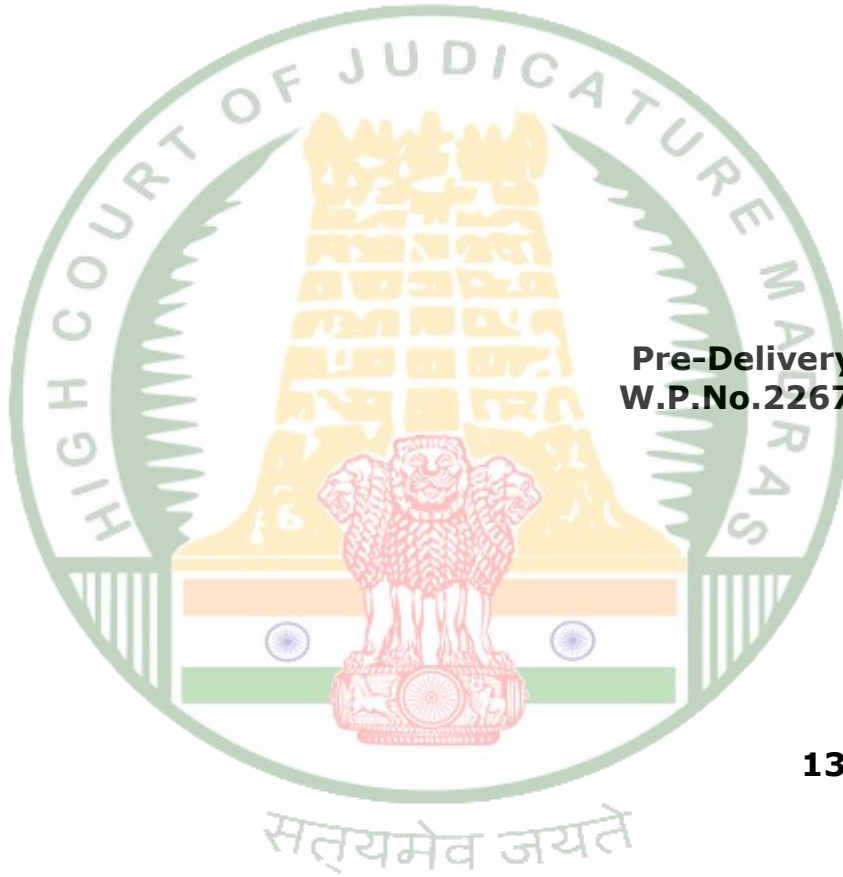
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R.SUBBIAH, J.,

and

P.D.AUDIKESAVALU, J.,

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**Pre-Delivery Order in
W.P.No.22677of 2017**

13-06-2018

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