

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.AUDIKEVALU

W.P.No.33968 of 2017

S. Kandasamy

.... Petitioner

VS

1. State of Tamil Nadu
represented by the Secretary to Government.
Revenue Department,
Secretariat, Chennai-600 009

2. The Director of Tribal Welfare,
Chennai - 600 005

3. The Director
Tribal Research Centre
Nanjanad Road
Mutturai Palada
Ooty 634 004

4. The Sub Collector,
Mettur
Salem District

... Respondents

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.1456/2016/D dated 16.06.2017 passed by Respondent No.4 and quashing the same, and directing Respondent No.4 to obtain a report from Respondent No.3 on the community status of the Petitioner and decide the community status of the Petitioner solely on the basis of such a report of the Respondent No.3 within a reasonable time.

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.,

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The Petitioner in this Writ Petition challenges the Order dated 16.06.2017 passed by the Fourth 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 Kuruman" Scheduled Tribe.

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. In so far as the relief sought by the Petitioner for directing the Revenue Divisional Officer /Sub Collector to obtain a report from the Director, Tribal Research Centre on the community status of the Petitioner and decide the same solely on the basis of such report, is concerned, this Court by Common Order dated 13.06.2018 in W.P.Nos.33988 and 34308 of 2017 and W.P.No.369 of 2018 has held that the same cannot be countenanced.

4. 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 .

5. The Writ Petition is disposed of on the above terms. No costs.

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

13.06.2018

Speaking Order

Internet : Yes / No

Index : Yes

sr

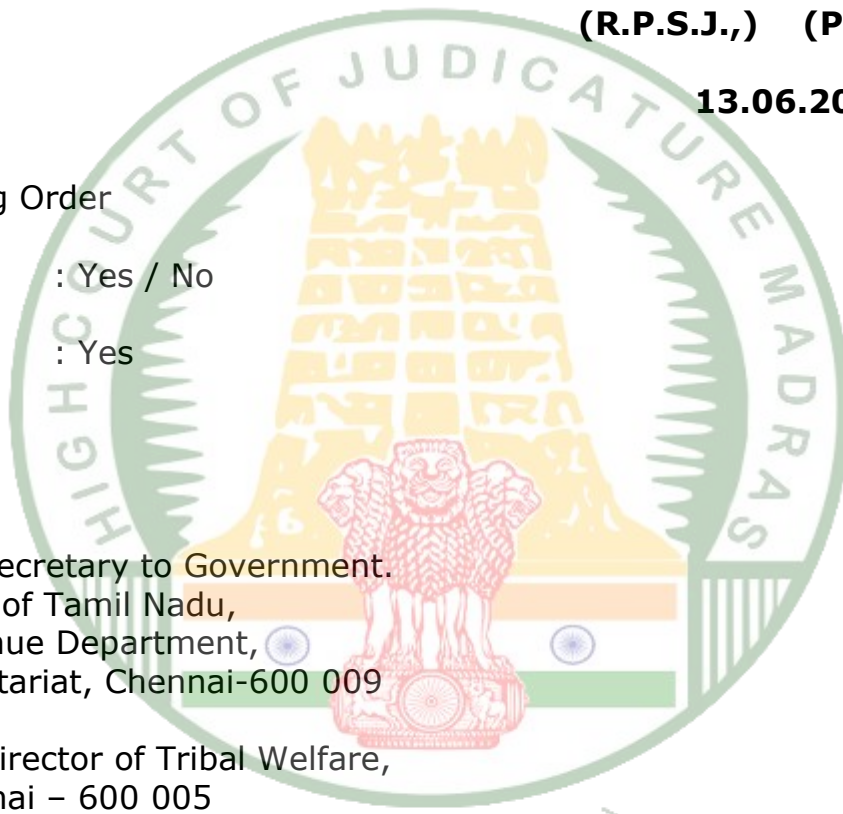
To

1. The Secretary to Government.
State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai-600 009

2. The Director of Tribal Welfare,
Chennai – 600 005

3. The Director
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and

P.D.AUDIKESAVALU, J.,

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**Pre-Delivery Order in
W.P.No.33968 of 2017**

13-06-2018

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