

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice N.ANAND VENKATESH

W.P.No.16436 of 2018

S.Kalpana

Petitioner

Vs

The Revenue Divisional Officer,
Harur, Dharmapuri District.

Respondent

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the rejection in Proceedings No.Moo.Mu.737/2015/A1 and Moo.Mu.1158/2015/A1 dated 03.07.2015 on the file of the respondent, quash the same and direct the respondent to conduct a fresh enquiry and issue community certificate to the petitioner's children viz., S.K.Naveen and S.K.Jagan that they belong to Kurumans (ST) Community.

For Petitioner .. Mr.V.Elangovan

For Respondent .. Mr.K.Rajendra Prasad,
Addl. Govt. Pleader

ORDER

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

Seeking issuance of the community certificate to the effect that the petitioner's children belong to Kurumans (ST) Community, which is a Scheduled Tribe one, a representation was given by the petitioner on 08.05.2018. As the same has not been disposed of, the present writ petition has been filed.

2.Learned counsel appearing for the petitioner would submit that the earlier order of rejection dated 03.07.2015 was not on merits. Thus, there is no bar in law for consideration of the request made afresh.

3.Learned Additional Government Pleader appearing for the respondent would submit that the petitioner did not co-operate with the enquiry and therefore, the impugned order has been passed. He would further submit that the subsequent request cannot be considered.

4.We are of the view that there is no need to go into the challenge made. A perusal of the order dated 03.07.2015 shows that it was not passed on merits. Thus, the order will not stand in the way of the respondent to consider the subsequent representation made on its own merits.

5.In such view of the matter, the respondent is hereby directed to pass appropriate orders on the pending representation dated 08.05.2018 on its own merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order without rejecting it based upon the earlier order dated 03.07.2015.

6.With the above direction, the writ petition is disposed of. No costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

To

The Revenue Divisional Officer,
Harur, Dharmapuri District.

+1 CC to Mr.S. Doraisamy, advocate sr 42806.
+1 CC to Govt. Pleader sr 42741.

WEB COPY

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SP(05/07/2018)