

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:02.08.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL

AND

THE HONOURABLE Mr. JUSTICE M.NIRMAL KUMAR

W.P.No.19841 of 2018

R.Shakthivel

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

2.The Tahsildar,
Taluk Office, Palacode,
Dharmapuri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the second respondent to consider and dispose of the Petitioner's application dated 21.05.2018 for issuance of Panniandi Scheduled Caste Community Certificate to the petitioner's sons S.Santhosh and S.Sudharshan within the time to be fixed by this Court.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.S.N.Parthasarathy
Government Pleader

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner and the Learned Government Advocate for the Respondents 1 and 2.

2.According to the Petitioner, he belongs to Panniandi Community and for himself and for his two sons (i) S.Santhosh and (ii)S.Sudharshan, studying in II standard and L.K.G. respectively and to pursue their studies, the Educational Authorities are insisting for submission of Scheduled Caste Community Certificate. He had applied for the Scheduled Caste

Community Certificate for himself and for his sons on 21.05.2018 and 25.06.2018 respectively. His grievance is that they have not yet been processed. He has enclosed the community certificate of his father A.Ramasami issued by the then Deputy Tahsildar together with his application.

3.In fact, the 1st Respondent/Revenue Divisional Officer, Dharmapuri, through his proceedings dated 22.06.2018 and 03.07.2018 and 06.07.2018, had instructed the 2nd Respondent to conduct an Enquiry and send a report to him in this regard. However, the 2nd Respondent/Tahsildar, Taluk Office, Palacode, Dharmapuri District has not adhered to the instructions of the 1st Respondent/his immediate Superior and till date has not conducted an 'Enquiry' in the subject matter in issue.

4.The real grievance of the Petitioner is that because of the inaction of the 2nd Respondent/Tahsildar, Taluk Office, Palacode, Dharmapuri District, he is not in a position to face School Authorities and his children are finding it difficult to pursue their studies. His Association had also represented to the State Government for redressal of their grievances. Indeed, the Principle Secretary to Government, Adi Dravidar and Scheduled Tribes Welfare Department and Deputy Secretary to Government through their communications dated 06.04.2015 and 04.08.2015 respectively had instructed the District Collector to take action for issuance of Community Certificate to the persons belonging to Panniandi Community immediately. However, no action was taken.

5.As a matter of fact, the Petitioner requires the certificate immediately so as to enable his sons to pursue their higher studies. Since the 2nd Respondent is duty bound to consider his Application/Petition in accordance with Law, within the reasonable time, he has filed the present Writ Petition praying for passing of an order in directing the 2nd Respondent to consider and dispose of his application dated 21.05.2018 for issuance of Panniandi Scheduled Caste Community Certificate to his sons S.Santhosh and S.Sudharshan within the time to be determined by this Court.

5.Per contra, it is the submission of the Learned Government Advocate for the Respondents 1 and 2 that if reasonable time is determined by this Court to dispose of the Petitioner's application/ petition dated 21.05.2018 in the subject matter in issue, then, the 2nd Respondent will dispose of the Application/Petition of the Petitioner dated 21.05.2018.

6.Considering the fact that the Petitioner's Petition/Application dated 21.05.2018 for issuance of 'Panniandi' Scheduled Caste Community Certificates to the

Petitioner and his sons viz., S.Santhosh and S.Sudharshan, are pending on the file of the 2nd Respondent/Tahsildar, Taluk Office, Palacode, Dharmapuri District without any substantial progress, this Court, at this stage,

simpliciter, without expressing any opinion on the merits of the matter, directs the 2nd Respondent/Tahsildar, Taluk Office, Palacode, Dharmapuri District, after satisfying himself as to the status of the community of the Petitioner that he and his sons belong to Panniandi Community, to dispose of the Petitioner's Petition dated 21.05.2018 and to issue Community Certificates to the Petitioner and his two sons viz., S.Santhosh and S.Sudharshan, within a period of four weeks from the date of receipt of copy of this order [of course, after providing necessary opportunities to the Petitioner by adhering to the Principles of Natural Justice]. It cannot be gainsaid that the Petitioner shall take part in the Enquiry without fail before the 2nd Respondent/Tahsildar, Taluk Office, Palacode, Dharmapuri District on the specified date and time determined by the Authority. It is open to the Petitioner to produce necessary documents/materials that are available at his command before the 2nd Respondent, who shall take into account of the same at the time of disposal of the Petitioner's Application/Petition dated 21.05.2018 and consequent issuance of Community Certificates in question.

8. With the aforesaid directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS V)

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सत्यमेव जयते
Sub Assistant Registrar

Sgl

To

1. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

2. The Tahsildar,
Taluk Office, Palacode,
Dharmapuri District.

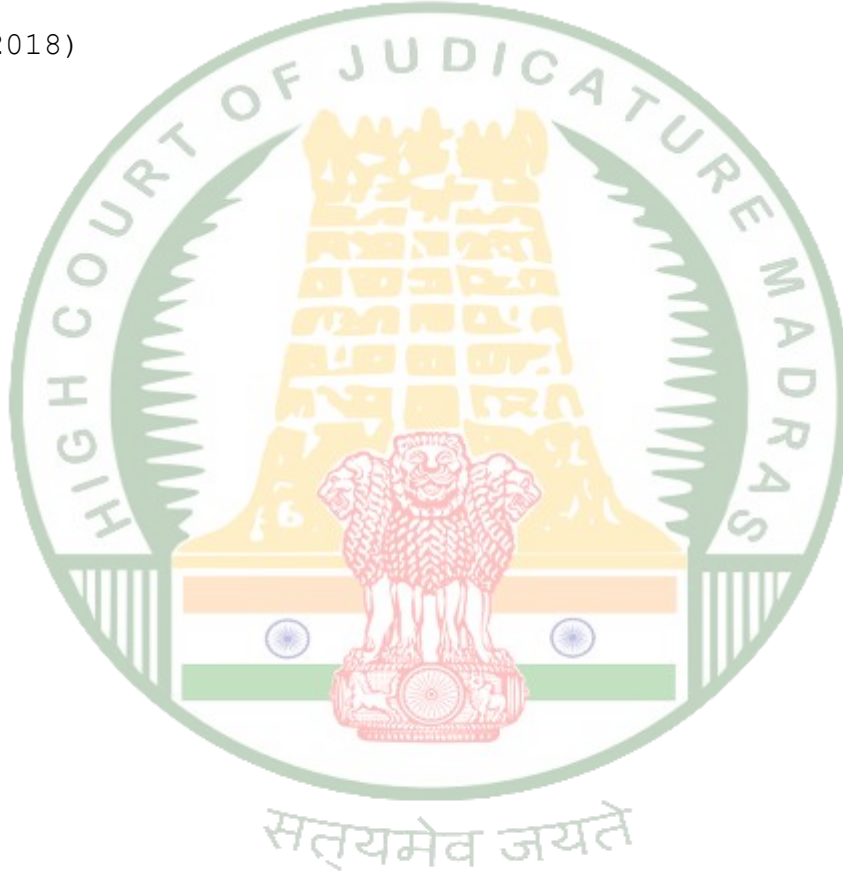
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3.The Government Advocate,
High Court, Madras.

+1cc to Mr.R.Bharath Kumar, Advocate SR.No.53175
+1cc to Government Pleader SR.No.54014

W.P.No.19841 of 2018

SSV(CO)
GN(23/08/2018)



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