

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WRIT PETITION No.25824 of 2018

D.M.Rajaselvi ... Petitioner

Vs.

The Chairman & Principal Secretary,
The Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009. ... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondent herein to consider and dispose of the Petitioner's Appeal dated 29.01.2018 against the order dated 05.01.2018 in Na.Ka.Aa.Na.2/26766/2016 passed by the District Collector, Thoothukudi, within a stipulated period.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.K.Rajendra Prasad
Additional Government Pleader

O R D E R

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

This Writ Petition has been filed by the Petitioner praying for the issuance of a Writ of Mandamus directing the Respondent herein to consider and dispose of the Petitioner's Appeal dated 29.01.2018 against the order dated 05.01.2018 in Na.Ka.Aa.Na.2/26766/2016 passed by the District Collector, Thoothukudi, within a stipulated period.

2. According to the Petitioner, she belongs to Hindu 'Konda Reddy' Community, which is classified as Scheduled Tribe Community. Her father viz. D.Meenachisundaram, who was an employee of the Revenue Department (District Supply Office), Tirunelveli District, obtained Scheduled Tribe (ST) Community Certificate from the RDO cum Sub-Collector, Tirunelveli District. The Petitioner approached the Revenue authorities to obtain Scheduled Tribe Certificate for herself in the name of Hindu Konda Reddy Community, whereas, the Tahsildar, Kovilpatti, vide his proceedings dated 08.03.2008, rejected her claim and certified that the Petitioner belongs to Hindu Reddy Kanjam-BC Community.

3. Aggrieved by the said rejection order, the Petitioner filed W.P.(MD) No.15291 of 2013 before the Madurai Bench of this Court and by an order dated 02.07.2015, the Madurai Bench of this Court directed her to file an Appeal before the District Collector, Thoothukudi. In compliance of the said order, the Petitioner filed an Appeal on 10.08.2015 before the District Collector, Thoothukudi. Despite the receipt of his Appeal, the District Collector, Thoothukudi failed to pass an order within the stipulated period and hence, the Petitioner was constrained to file W.P.(MD) No.23510 of 2015 and the Madurai Bench of this Court, without going into the merits of the case, had passed an order

on 08.01.2017, thereby directing the District Collector, Thoothukudi, to dispose of the Appeal within 12 weeks from the date of receipt of the order.

4. It is further stated by the Petitioner that she made a representation on 15.02.2015 to enforce the order made in W.P.(MD) No.23150 of 2015. Since the District Collector failed to comply with the said order, the Petitioner filed Contempt Application No.2450 of 2017 in W.P.(MD) No.23150 of 2015 against the District Collector. In the meanwhile, the District Collector passed an order dated 05.01.2018 in Na.Ka.Aa.Na.2/26766/2016, thereby, rejecting the Petitioner's Appeal seeking grant of Community Certificate. Pursuant thereto, the Petitioner preferred an Appeal before the Respondent on 29.01.2018, which is pending consideration.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. Considering the limited scope of the prayer sought in this Writ Petition, without traversing into the merits of the claim made by the Petitioner, this Court directs the Respondent to consider the Petitioner's Appeal dated 29.01.2018, on merits and in accordance with law, and pass appropriate orders preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. No costs.

(R.P.S.,J.) (R.P.A.,J.)

03.10.2018

Index : Yes/No

Speaking Order : Yes/No

To:

The Chairman & Principal Secretary,
The Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.

R.SUBBIAH, J.
and
R.PONGIAPPAN, J.
(aeb)

Order in
W.P.No.25824 of 2018

03.10.2018