

IN THE HIGH COURT OF JUDICATE AT MADRAS
DATE : 09.10.2018

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH
AND
THE HON'BLE MR.JUSTICE R.PONGIAPPAN

WP.No.26303/2018

I.Sivaperumal

..Petitioner

Vs.

The Revenue Divisional Officer
Egmore, Chennai 600 031.

..Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to issue community certificate to the petitioner's children, viz., [1] S.Sarvan ; [2] S.Ashwin and [3]S.Akshay that they belong to Kurumans [ST] Community based upon the community Certificate already issued to the petitioner.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.K.Rajendra Prasad, AGP

ORDER

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

The petitioner came forward to file the present writ petition seeking for a mandamus to direct the respondent to issue Community Certificates to his children, viz., [1] S.Sarvan ; [2] S.Ashwin and [3]S.Akshay, that they belong to Kurumans [ST] Community.

2 It is the case of the petitioner that he has obtained Community Certificate from the P.A [G] to the Collector, Chennai on 22.06.2015 stating that he belongs to Kurumans [ST] Community and so also his brother and sister, viz., Mr.I.Adhavan and Ms.I.Sastha. Similarly, the petitioner's father, viz., R.Iyyappan, has also obtained Community Certificate from the Tahsildar, Mylapore/Triplicane Taluk in the year 1981. While so, the petitioner preferred an application enclosing all necessary documents, in the year 2016 to the District Collector, Chennai, requesting for issuance of Community Certificates to his children and till date, the said application has not been considered by the District Collector, Chennai. The petitioner, once again sent a letter on 10.01.2017 to the respondent

requesting for issuance of the Community Certificates to his children, who in turn, had forwarded the same to the Tahsildar, Mylapore, to conduct enquiry and to submit a report. The Tahsildar, Mylapore, also conducted the enquiry and submitted his report to the respondent, pursuant to which, a notice dated 17.04.2017, calling upon the petitioner to appear in person for the enquiry to be held on 20.04.2017, was also sent. Despite appearing in person for the second time before the respondent on 08.12.2017 and despite the lapse of nearly 11 months, neither an order is passed on his application nor Community Certificates were issued. Hence, the petitioner is constrained to approach this Court by filing the above writ petition.

3 The Court heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the materials placed before it.

4 This Court, without expressing any opinion and without going into the merits of the claim projected by the petitioner, either in his application or in this writ petition, directs the respondent to consider the petitioner's application and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

AP

To,

The Revenue Divisional Officer
Egmore, Chennai 600 031.

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.69715

GP(CO)

rrs 01/11/2018

WP.No.26303/2018

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