



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD) Nos.5041 and 5070 of 2018

T.Lalitha

... Petitioner in
W.P.5041/2018

M.Bindhu

... Petitioner in
W.P.5070/2018

-vs-

1.The District Collector,
Kanniyakumari District,
Nagercoil.

2.The Officer,
Adi-Dravidar and Tribal Welfare
Department,
Fort St. George, Chennai - 9.

3.The Tahsildar,
Vilavankode Taluk,
Kanniyakumari District.

... Respondents in all
petitions

Prayer: Petitions filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the 1st respondent herein to dispose of the petitioners' appeal dated 20.06.2016 in respect of issuance of Community Certificate to the petitioners as Scheduled caste, since they belong to the Hindu Ayyanvar community which is listed under scheduled caste category within the stipulated time by considering the petitioners' reminder dated 12.09.2016.

For Petitioners : Mr.K.A.Thirumalaiappan

For Respondents : Mr.S.Dhayalan, G.A.

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard Mr.K.A.Thirumalaiappan, learned counsel for the
petitioners and Mr.S.Dhayalan, learned Government Advocate
appearing for the respondents.



2.The petitioners, who are sisters and daughters of late S.Thangappan have filed these writ petitions, praying for a directions to the District Collector, Kanyakumari District, to dispose of their appeal petitions dated 20.06.2016, which were sent by registered post and shown to have been received in the office of the first respondent on 12.09.2016 to the first respondent, requesting the first respondent to pass orders on their appeal petitions.

3.Earlier, the petitioners had filed W.P.(MD) SR No.17630 of 2016, challenging the order passed by the Tahsildar, Vilavankode Taluk, dated 17.07.1025, whereby the claim made by the petitioners for issaunce of community certificates, certifiying that they belong to Hindu Ayyanvar Community, the scheduled caste community, was rejected. The Division Bench, which heard the writ petition, by order dated 06.04.2016 closed the writ petition recording the submissions of the learned counsel for the petitioner that in terms of G.O.Ms.No.147, Revenue [(RA-3(2)] department dated 17.03.2016, the petitioner can prefer an appeal to the District Collector. Accordingly, permission was granted to the petitioner to avail the appeal remedy. The petitoners have subsequently filed appeal petitions on 20.06.2016, which are now pending before the first respondent.

4.The learned Government Advocate who has accepted notice on the behalf of the respondents submitted that reasonable time may be granted to the first respondent to consider the appeal petitions on merits and in accordance with law.

5.In the light of the above, we direct the petitioners to submit one more copy of appeal petitions along with the copy of this order before the first respondent and on receipt of the same, the first respondent is directed to enquire into the matter, afford an opportunity of personal hearing to the petitioners and follow the guidelines issued by the government in the matter of grant of community certificates and pass a reasoned order on merits and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order.

6.With the above direction, these writ petitions are disposed of. No costs.

Sd/
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Kanniyakumari District,
Nagercoil.



2.The Officer,
Adi-Dravidar and Tribal Welfare
Department,
Fort St. George, Chennai - 9.

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3.The Tahsildar,
Vilavankode Taluk,
Kanniyakumari District.

+2cc to Mr.K.A.Thirumalaiappan, Advocate, SR.No. 54170
+1cc to M/s.Special Government Pleader,SR.No. 54591

W.P. (MD) Nos.5041 and 5070 of 2018
09.03.2018

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KK/JC/22.03.2018/SAR-1/3P-7C