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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.02.2018
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Petition (MD).No.925 of 2018

D.Rajkumar

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai,
Sivagangai District.
3. The Revenue Divisional Officer,
Nagercoil Revenue Division,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to issue community certificate for the petitioner's two daughters by making a request to the third respondent to conduct enquiry and submit report with regard to the petitioner's community status, based on his representation dated 05.06.2017 made to the second respondent.

For Petitioner : Mr.K.Kannan
For Respondents : Mr.D.Muruganandam
Additional Government Pleader

O R D E R

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

Heard Mr.K.Kannan, learned counsel for the petitioner and Mr.D.Muruganandam, learned Additional Government Pleader for the respondents.



2. The petitioner has filed this writ petition seeking for direction upon the second respondent to issue community certificate for his two minor daughters by making a request to the third respondent to conduct an enquiry and submit a report. Earlier, the petitioner had approached this Court and filed W.P.(MD).Nos.14432 to 14434 of 2011, wherein, the petitioner challenged the order passed by the second respondent dated 15.06.2011 and to direct the second respondent to issue Hindu Kattunaickan Community Certificate for his two daughters viz., R.Harivarshini and R.Kanishka, based on his application dated 14.05.2010. The said writ petition was heard along with two other connected matters and by common order dated 02.07.2015, the same was disposed of holding that there is an appeal remedy available to the District Collector and accordingly, the petitioner was directed to file appeal before the first respondent, who was directed to pass orders as expeditiously as possible, not later than one month. Pursuant to that, the petitioner has filed an appeal before the first respondent, on 25.11.2015. It appears that the first respondent has directed the second respondent to conduct an enquiry and send a report. The petitioner is working as Head Constable in the Tamil Nadu Police Service and at present, employed in the Economic Offences Wing and unable to appear before the second respondent for enquiry, due to pressure of work. Therefore, he seeks for a direction that the Revenue Divisional Officer, Nagercoil may conduct enquiry and submit a report. This request is not feasible, on account of the fact that the petitioner claims to be a resident of Sivagangai District and definitely the enquiry should be a local enquiry conducted by the second respondent, who alone will be the competent authority. However, the Court can grant a small indulgence to the petitioner by making an observation that the second respondent shall commence the enquiry by fixing appropriate date and ensure that the enquiry is completed within a period of two to three days. So that, the petitioner need not avail leave for a long period.

3. In the light of the above, the writ petition is disposed of by directing the second respondent to conclude the enquiry as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order and as and when the date for enquiry is notified, the petitioner shall appear along with all the records and co-operate for the enquiry and on such co-operation being extended, the second respondent shall conclude the same within a period of three days from the date of commencement of enquiry. No costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/



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To

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Sivagangai.
2. The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai,
Sivagangai District.
3. The Revenue Divisional Officer,
Nagercoil Revenue Division,
Nagercoil,
Kanyakumari District.

+One cc to Mr.K.Kannan, Advocate, SR.No.49214

akv

RL/5C/3P/CVC/SAR2/5/3/2018

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