



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.20695 of 2018

S.Mariappan

... Petitioner

Vs.

1. The Government of Tamil Nadu
represented by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St. George,
Secretariat,
Chennai 600 009.

2. The District Collector,
Tirunelveli District,
Tirunelveli.

3. The Revenue Divisional Officer,
Tenkasi,
Tirunelveli 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 dispose of the petitioner appeal dated 28.12.2016 pending in respect of issuance of Hindu Malaikuravan Community Certificate for the school going children viz., (1) M.Chandru and (2) M.Santhiya Devi within a stipulated time limit that may be fixed by this Court.

For Petitioner

: Mr.M.Siddharthan

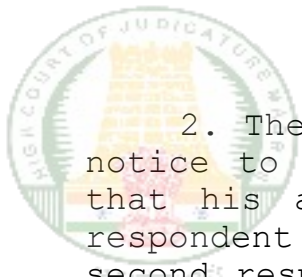
For Respondents

: Mr.VR.Shanmuganathan
Special Government Pleader

ORDER

[Order of the Court was made by T.RAJA, J.]

This writ petition has been filed seeking direction to the second respondent to dispose of the pending appeal filed against the order rejecting the request of the petitioner for issuance of Community Certificate by the Revenue Divisional Officer, Tenkasi, Tirunelveli District.



2. The learned counsel appearing for the petitioner drawing our notice to the proof of filing his appeal on 28.12.2016, submitted that his appeal has been received by the office of the second respondent / the District Collector, Tirunelveli, but till date the second respondent has not come forward to dispose of the appeal on merits.

3. The learned Special Government Pleader appearing for the respondents submits that no proof for filing the appeal has been enclosed and he also sought time to take instruction whether the appeal filed by the petitioner on 28.12.2016 is pending.

4. Since the petitioner come to this Court and also shown the copy of the appeal dated 28.12.2016, received by the office of the second respondent, that proof indicates only the date of sending the appeal and that cannot be construed as a receipt of appeal by the office of the second respondent.

5. Be that as it may, when the petitioner has already sent his appeal dated 28.12.2016, against the order dated 28.10.2016, we hereby direct the petitioner to give one more copy of the appeal memorandum along with the copy of the order to the office of the second respondent within one week from the date of receipt of a copy of this order and on receipt of the same, the second respondent is hereby directed to consider the same on merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition stands disposed of. No costs.

Sd/

Assistant Registrar(CS-II)

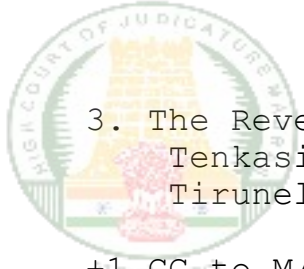
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Sub Assistant Registrar(CS-I)

To

1. The Secretary,
Government of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Fort St. George,
Secretariat,
Chennai 600 009.

2. The District Collector,
Tirunelveli District,
Tirunelveli.



3. The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

+1 CC to M/s.P.Kalaiyarasi Bharathi,Advocate,SR.No.87826

+1 CC to Spl.Govt.Pleader, SR.No.88204

akv

SS/SKN/SAR 1/07.12.2018/3P/6C

W.P. (MD) No.20695 of 2018
01.10.2018