



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2018
CORAM

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

W.P. (MD) .No.3708 of 2016
and
W.M.P (MD) No.3335 of 2016

K.Karuppiah

... Petitioner

Vs.

The District Collector,
Madurai District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Na.Ka.No.38945/2015/Athi8 dated 31.12.2015 purported to have been signed on 04.01.2016 served on 28.01.2016 quash the same and consequently direct the respondent herein to conduct proper and detailed enquiry in accordance with law for issuance of Community Certificate of the petitioner as "Malaivedan" in a reasonable time.

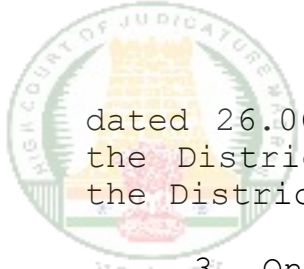
For Petitioner	: Mr.R.Ganesh Prabhu
For Respondent	: Mr.D.Muruganandham, Additional Government Pleader

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.Ganesh Prabhu, learned counsel for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondent.

2. The petitioner has filed this Writ Petition challenging the order passed by the respondent, dated 31.12.2015, by which, the appeal petition filed by the petitioner as against the order passed by the Revenue Divisional Officer, dated 14.02.2013 was rejected. The petitioner has submitted an application for grant of Community Certificate to him and his sons namely K.Hariharan and K.Thirukumaran. Earlier, the petitioner has approached this Court and filed W.P. (MD) No.13440 of 2013, challenging the order passed by the Revenue Divisional Officer, dated 14.02.2013. The Division Bench, by order dated 02.07.2015, after referring to G.O.Ms.No.235



dated 26.06.2015, directed the petitioner to file an appeal before the District Collector, Madurai and hence, the matter went before the District Collector, Madurai District.

3. On a perusal of records, we find that no reason has been independently given by the respondent to reject the appeal petition. But the respondent has merely gone by the report submitted by the authorities, which have been referred to in the impugned order. One conspicuous aspect, which is apparent in the order, is that the respondent did not advert the effect of the Community Certificate issued to the brother of petitioner's wife certifying that the petitioner and his sons belongs to Hindu Malaivedan Community. The respondent ought to have considered the effect of such certificate and then rendered a finding as to whether entitlement of the petitioner and his children is just and proper. Therefore, we inclined to interfere with the impugned order.

4. Thus, for the above reasons, the impugned order is set aside. Since as on date the District Level Vigilance committee for Madurai District is the competent authority to consider such appeal petition against the order rejecting the applications for grant of Community Certificate, we remand the matter to the District Level Vigilance committee for Madurai District under the Chairmanship of the District Collector to consider the petitioner's appeal petition. The District Level Vigilance committee for Madurai District shall issue notice to the petitioner and afford an opportunity to the petitioner and dispose of his appeal petition. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

5. In the result, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector, Madurai District.

2. The District Level Vigilance Committee,
Madurai District

+One cc to Mr. R. Ganesh Prabhu, Advocate, SR.No.51544

+One cc to The Special Government Pleader, SR.No.51301

akv

RL/5C/2P/CVC/SAR1/5/4/2018

W.P. (MD).No.3708 of 2016