



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.02.2018
CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

W.P.(MD) No.3822 of 2016

K.Rajangam

... Petitioner

Vs.

- 1.The District Collector,
Madurai.
- 2.The Revenue Divisional Officer, Madurai
- 3.The Thasildar,
Vadipatti Taluk,
Madurai.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of Constitution of India to issue a writ of certiorarified mandamus calling for the records of the first respondent dated 20.01.2016 in proceedings Na.Ka.No.40510/2015/Adhi 8 quash the same as the same is arbitrary, ultravires and consequently direct the second respondent to issue community certificate to the petitioner's sons K.R.Tamilselva, K.R.Kalaiarasan on the basis of the community ceritifcate dated 29.01.198 5, 15.07.1988 issued by the third respondent.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondents : Mr.D.Muruganantham
Additional Government Pleader
O R D E R

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

Heard Mr.R.G.Shankar Ganesh, learned counsel for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this Writ Petition challenging the order passed by the first respondent dated 20.01.2016, by which, the appeal petition filed by the petitioner as against the order passed by the second respondent dated 19.02.2013 was rejected. The petitioner has submitted an application for grant of Community Certificate to his sons namely K.R.Tamilselvan and K.R.Kalaiyarasan. Earlier, the petitioner approached this Court and filed W.P.(MD) No.16740 of 2013 challenging the order passed by the second respondent dated 19.02.2013. 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 first respondent.



3. On a perusal of records, we find that no reason has been independently given by the first respondent to reject the appeal petition. But the first respondent has gone through the report submitted by the authorities, which have been referred to in the impugned order. One conspicuous aspect, which is apparent on the face of the order, is that the first respondent did not advert to the effect of the Community Certificate issued to the petitioner by the third respondent vide Certificate dated 15.07.1988 certifying that the petitioner K.Rajangam belongs to Hindu Malaivedan Community. The first respondent ought to have considered the effect of such certificate and then rendered a finding as to whether entitlement of his children is just and proper. Therefore, we are inclined to interfere with the impugned order.

4. Thus for the above reasons, the impugned order is set aside. Since as on date the Deputy Commissioner, 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 Deputy Commissioner to consider the petitioner's appeal petition. The Deputy Commissioner, 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.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,Madurai.

2.The Revenue Divisional Officer, Madurai

3.The Thasildar,Vadipatti Taluk,Madurai.

4.The Deputy Commissioner, District Level Vigilance Committee
for Madurai District, Madurai

+One cc to The Special Government Pleader, SR.No.50565

CM

RL/6C/2P/KK/SAR4/12/3/2018

W.P. (MD) No.3822 of 2016