

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 27.06.2019

Orders Pronounced on : 08.07.2019

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.8710 of 2019

N.Saravanan ... Petitioner
Vs.
The Sub-Collector,
Tirupattur, Vellore District. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records in the order bearing No.Mu.Mu.A2/1410/2016, dated 16.12.2017 passed by the respondent and quash the same and direct the respondent to issue a Community Certificate to the petitioner to the effect that he belongs to "Kurumans" Scheduled Tribe.

For petitioner : Mr.M.Radhakrishnan

For respondents : Mr.V.Shanmuga Sundar, Spl.G.P.

ORDER

R.SUBBIAH, J

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records in the order bearing No.Mu.Mu.A2/1410/2016, dated 16.12.2017 passed by the respondent and quash the same and direct the respondent to issue Community Certificate to the petitioner to the effect that he belongs to "Kurumans" Scheduled Tribe Community.

2. The petitioner belongs to "Kurumans" Scheduled Tribe Community. He made an application, dated 02.11.2015 to the

respondent for issuance of Community Certificate to the petitioner to the effect that he belongs to Kurumans Scheduled Tribe Community. He produced all necessary documents along with his application. He also produced a copy of the proceedings of the Three-Member District Vigilance Committee, Vellore, dated 02.05.2007, whereunder Mr.L.Mani, who is the petitioner's paternal uncle, had been declared as belonging to Kurumans Scheduled Tribe Community as well as the relationship certificate issued by the Tahsildar, Tirupattur to the effect that the said Mr.L.Mani is the petitioner's father's own brother. The respondent has no authority whatsoever either to differ from or question the findings of the said Committee. But however, the respondent had rejected the application holding that the petitioner does not belong to Kurumans Scheduled Tribe Community. Hence, challenging the same, the petitioner has preferred this Writ Petition for the relief stated supra.

3. The respondent has filed detailed counter affidavit assigning the reasons for rejection of the application of the petitioner seeking issuance of Community Certificate stating that the petitioner belongs to Kurumans Scheduled Tribe Community, by relying upon the Family Genealogical Tree to show that the petitioner does not belong to the said Community.

4. Be that as it may. Now the impugned order has been passed by the respondent, as against which, the petitioner is having appeal remedy before the appropriate authority/District Collector concerned. Moreover, the learned counsel for the petitioner stated that the petitioner's paternal uncle L.Mani had been declared to be belonging to Kurumans Scheduled Tribe Community and it was found to be genuine. The relationship of the petitioner with the said paternal uncle, i.e. whether he is related or not to the petitioner, cannot be adjudicated in the present Writ Petition, because, this Court is not conducting any roving enquiry on that aspect of the matter in this Writ Petition. Therefore, we are not inclined to entertain the present Writ Petition. सत्यमेव जयते

5. Considering the above facts and circumstances of the case and also taking into consideration the detailed counter affidavit filed by the respondent, the Writ Petition is dismissed, however, liberty is granted to the petitioner to file appeal before appropriate authority/District Collector concerned, as against the impugned order, within a period of two weeks from the date of receipt of a copy of this order, and on filing such appeal, the appropriate authority/District Collector concerned, is directed to consider the said appeal and dispose of the same on merits and in accordance with law, within a period of six weeks thereafter.

6. With the above observations and directions, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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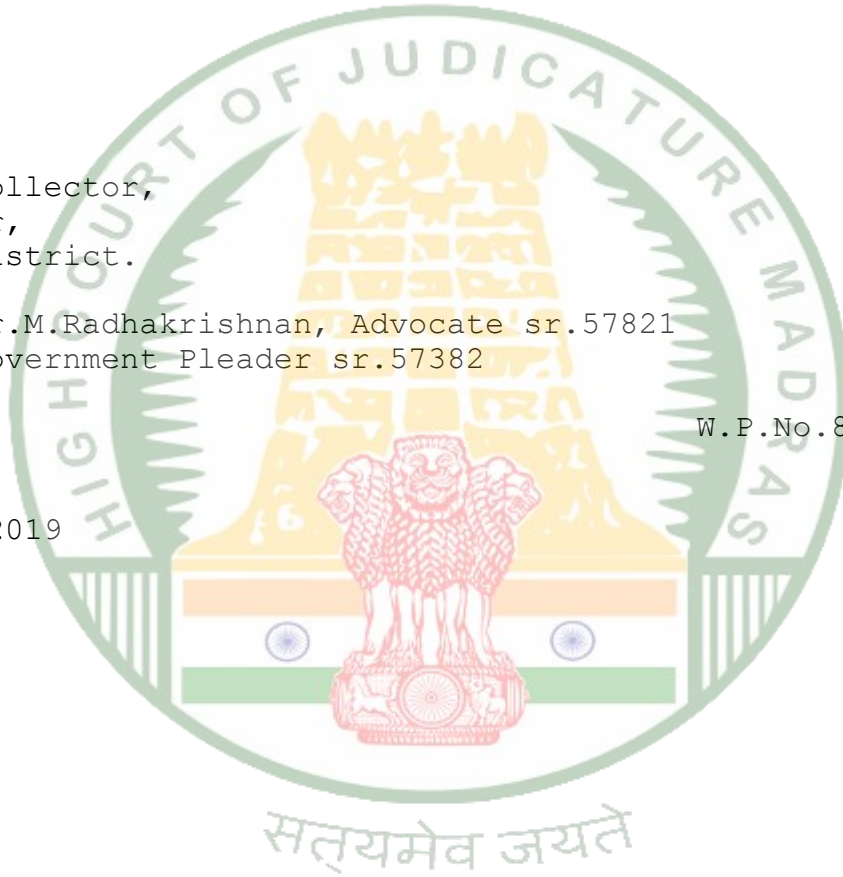
To

The Sub-Collector,
Tirupattur,
Vellore District.

+1cc to Mr.M.Radhakrishnan, Advocate sr.57821
+1cc to Government Pleader sr.57382

Order in
W.P.No.8710 of 2019

ca(co)
nr 26/08/2019



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