



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2019

CORAM

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

Writ Petition No.17212 of 2019

R.Kamalakaran

...Petitioner

Vs

1.The District Collector and Chairman
District Level Vigilance Committee,
Villupuram District.

2.The Revenue Divisional Officer/Sub Collector,
Dindivanam.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent made in Na.Ka.M11/17092/2017 dated 28.09.2017 and quash the same and directing the respondents to issue community certificate to the petitioner and petitioner's daughter K.Deepika and Son K.Yuvanesh to the effect that they belong to the Kattunayakkan community (schedule Tribe) on the basis of the community certificate issued to the petitioner's wife M.Thilagavathi vide A6 4429/93 (Certificate No.2679073) dated 09.06.1993 and petitioner's brother R.Muthukumaran, his wife S.Geetha and their children M.Gopinath and Mr.M.Kiruthika, vide community certificate Nos.495127, 495128, 495129 and 495211 dated 29.02.2016 and 28.03.2016.

For Petitioner : Mr. N.Naganathan

For Respondents: Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

[Order was made by R.SUBBIAH,J]

The present writ petition has been filed for Writ of Certiorarified Mandamus to quash the order dated 28.09.2017 passed by the 1st respondent and direct the respondents to issue Community Certificate to the petitioner and petitioner's



daughter on the basis of the Community Certificate issued to his relatives.

2. The grievance of the petitioner is that the petitioner belongs to "Kattunayakan" community which is a Scheduled Tribe community. On 04.08.2014, the petitioner applied to the RDO, Tindivanam / 2nd respondent for issuance of Community Certificate to the petitioner and his daughter namely K.Deepika and son K.Yuvanesh. Along with the said application, copies of the community certificate of his wife and his relatives were also enclosed. Since no action was taken, he filed W.P.No.29672 of 2015 before this Court and this Court vide order dated 22.09.2015, directed the second respondent to pass appropriate orders on the petitioner's representation dated 26.07.2014 within a period of eight weeks from the date of that order. Pursuant to the direction given, an order was passed by the 2nd respondent rejecting the petitioner's application. Aggrieved over the same, the petitioner has filed an appeal before the 1st respondent on 02.08.2016 and the said appeal was also rejected.

3. The only submission of the learned counsel appearing for the petitioner is that 1st respondent has dismissed the appeal without considering the documents submitted by the petitioner. Thus, they sought for quashing of the impugned order and consequently direct the 1st respondent to issue community certificate.

4. This Court is of the view that as against the order of the first respondent, the petitioner shall avail appeal remedy before the State Level Committee and this Court is not inclined to entertain this petition.

5. The writ petition stands dismissed. No costs. Consequently connected miscellaneous petitions are closed. However liberty is granted to the petitioner to file an appeal before the State Level Committee within a period of 15 days from the date of receipt of a copy of this order.

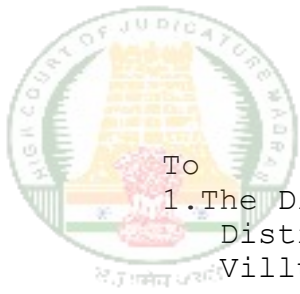
Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

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To

- 1.The District Collector and Chairman
District Level Vigilance Committee,
Villupuram District.

- WEB COPY
- 2.The Revenue Divisional Officer/Sub Collector,
Dindivanam.

+1cc to Mr.N.Naganathan, Advocate SR.No.59076

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BR(CO)
GMY(09/09/2019)