

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2019

CORAM

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

Writ Petition No.17731 of 2019

C.Narayanan

...Petitioner

Vs

1. The District Collector,
Chennai.
2. The Sub Collector,
Chennai North Division,
Tondiarpet, Chennai - 81.
3. The Sub Collector,
Chennai Central Division,
Anna Nagar West Extension,
Chennai District, Chennai 600 101. ... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to issue community certificate to the petitioner's children viz., Nandhini and Srinivasan who belong to 'Hindu Kurumans' community coming under Scheduled Tribe, based on the enquiry conducted by the second respondent pursuant to his enquiry notice in Na.Ka.No.a2/1605/2018, dated 23.05.2018.

For Petitioner : M/s.K.Manikandan

For Respondents: Mr.V.Shanmuga Sundar,
Spl.Govt.Pleader

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O R D E R

[Order of the Court was made by R.SUBBIAH,J]

The petitioner has filed the above Writ Petition praying for issuance of a a Writ of Mandamus directing the respondents to issue community certificate to the petitioner's children viz., Nandhini and Srinivasan who belong to 'Hindu Kurumans' community coming under Scheduled Tribe, based on the enquiry conducted by the second respondent pursuant to his enquiry notice in Na.Ka.No.a2/1605/2018, dated 23.05.2018.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that he belongs to "Hindu - Kurumans" Community which comes under the Schedule Tribe (ST). Presently, he is working in Southern Railway. The petitioner's all siblings belong to "Hindu Kurumans" Community and they have obtained Community Certificates issued by the Revenue Officials. Now, the petitioner has applied for issuance of Community Certificate to his children, namely Nandhini and Srinivasan on various dates and since the same was not considered, he has come forward with the present Writ Petition for the relief stated supra.

4. Today, when the matter is taken up for consideration, the learned Special Government Pleader appearing for the respondents submitted that the first respondent on 11.01.2008 and the second respondent on 23.05.2018 have sent an enquiry notice to the petitioner to appear for the enquiry but the petitioner is avoiding to appear for the enquiry. Further, he submitted that the Sub-Collector, Chennai Central Division/third respondent would conduct enquiry within a time frame that may be fixed by this Court.

5. Having regard to the submissions made by the learned counsel on either side, third respondent is directed to complete the enquiry and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and the petitioner is directed to appear for the enquiry and co-operate for the same. It is made clear that this Court has not expressed any opinion on the merits of the matter and it is for the third respondent to consider the same at the time of enquiry purely on merits and in accordance with law.

6. Accordingly the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The District Collector,
Chennai.
2. The Sub Collector,
Chennai North Division,
Tondiarpet, Chennai - 81.
3. The Sub Collector,
Chennai Central Division,
Anna Nagar West Extension,
Chennai District, Chennai 600 101.

+1cc to Mr.K.Manikandan, Advocate, S.R.No. 64183
+1cc to the Government Pleader, S.R.No. 65041

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GN(21/08/2019)



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