

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.22184 of 2019

R.Devendiran

... Petitioner

vs.

1. The District Collector,
Namakkal District,
Namakkal.
 2. The Tahsildar,
Namakkal Taluk,
Namakkal District.
 3. The Zonal Deputy Tahsildar,
Namakkal Taluk,
Namakkal District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Certiorari mandamus, to call for the records of the impugned order of the 1st Respondent vide Appeal Na.Ka.No.36983/2018 (C1) dated 20.05.2019 and quash the same and consequently directing the Respondents to issue the Community Certificate of Backward Community - Ganjam Reddy to both of the Petitioner's daughters, Selvi D.Sneha and Selvi D.Boomika.

For Petitioners : Mr.R.Balaguruswamy

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

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O R D E R
(Order of the Court made by M.M.SUNDRESH, J.)

The Petitioner, with reference to the earlier order dated 22.03.2019 passed by this Court in W.P.No.7940 of 2019, by which, a direction was issued to the concerned District

Collector to pass appropriate orders in the case of the Petitioner therein, has come forward with this Writ Petition challenging the impugned order dated 20.05.2019 passed by the 1st Respondent/District Collector, Namakkal District, whereby, his request for issuance of Community Certificate to his daughters, was rejected, on the ground that he has not produced relevant documents.

2. Learned counsel for the Petitioner submitted that the 1st Respondent ought to have conducted an enquiry and issued Community Certificate as per the Petitioner's request.

3. Learned Government Advocate appearing for the Respondents submitted that an enquiry was conducted by the 2nd Respondent/Tahsildar, Namakkal Taluk and District, as could be seen from the proceedings dated 24.05.2019.

4. After perusing the impugned order dated 20.05.2019 passed by the 1st Respondent herein and the Enquiry proceedings of the 2nd Respondent vide Mu.Mu.75/2019/A3, dated 24.05.2019, we are of the view that the Petitioner ought to have challenged the proceedings dated 24.05.2019 of the 2nd Respondent, by filing an Appeal or a Revision before the 1st Respondent herein. It is seen that the impugned order was passed on an Appeal filed by the Petitioner, whereby, the Petitioner's request for issuance of Community Certificate to his daughters, was rejected.

5. In the proceedings dated 24.05.2019, the 2nd Respondent has stated that he has conducted an enquiry and given factual findings that the Petitioner's daughters are not entitled to Community Certificate, as per the Petitioner's request. In such view of the matter, the Writ Petition is misconceived.

6. However, considering the facts and circumstances of the case, liberty is granted to the Petitioner to file an Appeal or Revision before the 1st Respondent/District Collector, Namakkal District, challenging the proceedings dated 24.05.2019 vide Mu.Mu.75/2019/A3 issued by the 2nd Respondent herein, within a period of four weeks from the date of receipt of a copy of this order. As and when an Appeal or Revision is filed by the Petitioner, the 1st Respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of eight weeks.

This Writ Petition is disposed of with the above direction and observation. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The District Collector,
Namakkal District,
Namakkal.
2. The Tahsildar,
Namakkal Taluk,
Namakkal District.
3. The Zonal Deputy Tahsildar,
Namakkal Taluk,
Namakkal District.

+1 cc to M/s.R.Balaguruswamy, Advocate Sr.No. 89848
+1 cc to The Government Pleader Sr.No. 90409

AKM/10.12.19/3P-6C /

सत्यमेव जयते

Order in
W.P.No.22184 of 2019

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