

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

CORAM:

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

W.P.No.20079 of 2019

V.Rajkumar

..Petitioner

Vs.

1.The Collector,
Dharmapuri,
Dharmapuri District.

2.The Revenue Divisional Officer,
Harur, Dharmapuri District.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the 1st respondent to dispose the appeal of the petitioner dated 22.08.2018 and to issue community Certificate to the petitioner that he belongs to Kurumans (ST) Community.

For Petitioner : Mr.S.Doraisamy
For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

ORDER

(Order of this Court was made by R.SUBBIAH, J.)

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to dispose of his appeal dated 22.08.2018 and to issue community Certificate to him that he belongs to Kurumans (ST) Community.

2. The case of the petitioner is that he made several representations to the second respondent, namely, Revenue Divisional Officer, requesting to issue Community Certificate stating that he belongs to "Kurumans Community", which is classified as "Scheduled Tribe" Community.

3. While so, the Tahsildar, Pappireddipatti, issued a Community Certificate to the petitioner stating that he belongs to Kurumbar (MBC) Community. The Secretary to Government issued a circular to all the competent authorities to recall the Certificates already issued as "Kurumbar". The petitioner surrendered his Community Certificate to the Tahsildar, Pappireddipatti, vide his letter dated 30.11.2000 and also sent a representation to the second respondent dated 12.01.2016, requesting to issue a Community Certificate as "Kurumans (ST)".

4. As no action was taken by the second respondent, the petitioner has filed a writ petition in W.P.No.8474 of 2007 to consider his representation dated 12.01.2016. The Hon'ble Division Bench of this Court has directed the second respondent to consider petitioner's representation dated 12.01.2016. As no order was passed as per the directions of this Court, once again the petitioner made representation on 23.05.2017. However, no action was taken on his representation, he filed W.P.No.27733 of 2017 before this Court. On 30.10.2017, this Court directed the second respondent to consider petitioner's representations dated 12.01.2016 and 23.05.2017. Thereafter, on 01.08.2018, without assisting the Anthropologist, the second respondent has rejected the claim of the petitioner. As against the order of the second respondent, the petitioner preferred an appeal to the first respondent on 22.08.2018. Since, no action has been taken, the petitioner has come forward to file this writ petition.

5. Today, when the matter is taken up for consideration, the learned Special Government Pleader appearing for the respondents sought for sufficient time to dispose of the petitioner's appeal.

6. This Court, taking into consideration the limited prayer sought for by the petitioner and without going into the merits of the case, the first respondent is hereby directed to dispose of the petitioner's appeal dated 22.08.2018 with regard to the issuance of community Certificate to him that he belongs to Kurumans (ST) Community, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Collector, Dharmapuri,
Dharmapuri District.

2.The Revenue Divisional Officer,
Harur, Dharmapuri District.

+1 cc to M/s.S.Doraisamy, Advocate Sr.No. 59979

+1 cc to The Government Pleader, Sr.No.60743