

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2019

CORAM

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

Writ Petition No.23453 of 2019

N.G.Jayanthi

...Petitioner

Vs

The Sub Collector/Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

... Respondent

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 respondent relating to his order in Na.Ka.No.A4/6527/2018 dated 29.11.2018, quash the same and issue consequential directions to the respondent herein to issue Community Certificates in favour of her sons J.N.Pravin Kumar and J.N.Vignesh Kumar, certifying that they belong to Kurumans Community which is classified as Schedule Tribe Community and pass orders within a time frame.

For Petitioner : Mr.R.Thamaraiselvan

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

ORDER

[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 Certiorarified Mandamus to call for the records of the respondent relating to his order in Na.Ka.No.A4/6527/2018 dated 29.11.2018, quash the same and issue consequential direction to the respondent herein to issue Community Certificates in favour of her sons J.N.Pravin Kumar and J.N.Vignesh Kumar, certifying that they belong to Kurumans Community, which is classified as Schedule Tribe Community.

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

3. The case of the petitioner is that she and her entire family belong to "Kurumans ST Community" and in the community certificate of herself, her family members and relatives also, it is recorded as "Kurumans ST Community". A Division Bench of this Court by order dated 23.08.2018 in W.P.No.21494 of 2018 directed the respondent to consider her application dated 13.08.2015 by conducting enquiry after affording an opportunity of hearing to the petitioner and accordingly she attended the enquiry. Subsequently the respondent herein, vide letter Na.Ka.No.A4/6527/2018 dated 16.10.2018, directed the petitioner to attend the enquiry on 14.11.2018 and thereafter without proper consideration, the respondent herein has rejected the claim by passing the impugned order. Hence the petitioner 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 respondent by filing counter affidavit, submitted that from the enquiries made and the details collected, it was confirmed that the petitioner and her family members belong to "Kurumba" which is Most Backward Class Community and the petitioner has not produced any document to confirm that they belong to Kuruman ST Community and hence the representation was rejected by the respondent herein.

5. As against the impugned order, since appeal has been filed before the District Collector, the District Collector concerned is directed to dispose of the said appeal on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order or production of a copy of this order by the petitioner, whichever is earlier, after affording opportunity of personal hearing to the petitioner. It is made clear that we are not expressing any opinion on the merits of the matter and it is for the District Collector to decide the issue purely on merits while disposing of the appeal.

6. With the above observations and directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

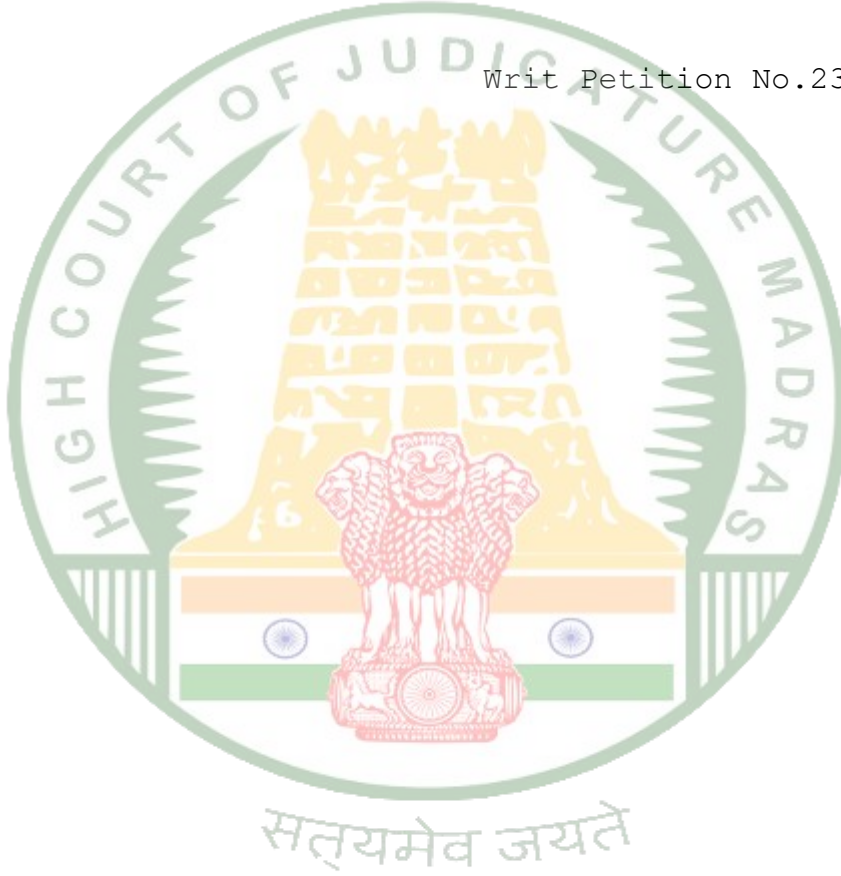
To

The Sub Collector/
Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

+1 cc to M/s.R.Thamarai Selvan, Advocate Sr.No. 70557

AKM/20.09.19/3P-3C /

Writ Petition No.23453 of 2019



WEB COPY