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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

W.P.No.30906 of 2019

A.Munusamy

... Petitioner

.. Vs ..

1. The Revenue Divisional Officer,
Thiruvannamalai.

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

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned proceedings Se.Mu.Ka.No.Mu.Mu.A2/3117/2015, dated 05.12.2015 and consequential orders bearing Letter No.A2/3117/2015, dated 23.08.2016 and Na.Ka.No.A2/3117/2015, dated 08.01.2017 on the file of the 1st respondent and Na.Ka.2026/2016/A1, dated 09.12.2016 on the file of the 2nd respondent and quash the same and consequently directing the 2nd respondent to transfer the entire records to the 1st respondent and directing the 1st respondent to hold the enquiry in the petitioner's native Pavithram Village, Tiruvannamalai District, as per G.O. (Ms). No.61, Adi Dravidar and Tribal Welfare (ADW-10) Department, dated 04.04.2005 along with the Head of the Anthropology Department, School of Social Sciences, University of Madras, Chepauk, Chennai - 600 005, who has intimate knowledge in identifying the tribes in respect of Scheduled Tribe Communities and pass orders based on the petitioner's application dated 19.09.2014 within a stipulated time.



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For Petitioner : Mr.N.Naganathan

For RR-1 & 2 : Mr.E.Manoharan,
Additional Government Pleader

ORDER

[The Order of the Court was made by M.M.SUNDRESH,J.]

The petitioner made a request for issuance of Community Certificate to his children. By the impugned order dated 05.12.2015, the first respondent/Revenue Divisional Officer, Thiruvannamalai, has stated that the request is not feasible for consideration, since the petitioner was born in Arur Taluk, Dharmapuri District. Incidentally, the petitioner also got Community Certificate from the Tahsildar of Arur Taluk, Dharmapuri District in File No.289/88, dated 02.05.1988.

2. Thereafter, by the impugned order of the first respondent dated 23.08.2016, a communication was sent to respondent No.2 viz., Revenue Divisional Officer, Arur Taluk, Dharmapuri District, for taking suitable action. On receipt of the same, the respondent No.2 sent further communication to respondent No.1 in Na.Ka.No.2026/2016/A1, dated 09.12.2016 stating that the communication has been received without records and requested to send the relevant documents for further action.

3. The respondent No.1 has sent the relevant documents in Letter No.A2/3117/2015, dated 08.01.2017. All the aforesaid communications are sought to be challenged in this proceedings stating that it is only the respondent No.1, who is competent to conduct an enquiry.

4. We do not find any force in the submission made by the learned counsel for the petitioner. The very basis of the claim of the petitioner is on the community certificate issued by the Tahsildar, Arur Taluk, Dharmapuri District, dated 02.05.1988. Now, the said document itself is under question. Unless the said document is found to be true, the question of issuing Community Certificate in favour of the children of the petitioner would not arise for consideration. Merely because the petitioner and his family members are residing at present in Thiruvannamalai District, the jurisdiction does not get changed. Hence, the Writ Petition stands dismissed.



5. However, considering the facts and circumstances of the case, we direct the respondent No.2 to conclude the enquiry within a period of eight weeks from the date of receipt of a copy of this order, after issuing fresh notice to the petitioner. It is needless to state that the petitioner will have to co-operate for enquiry by producing relevant documents. No costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

Jrl
To

1. The Revenue Divisional Officer,
Thiruvannamalai.
2. The Revenue Divisional Officer,
Arur, Dharmapuri District.

+1 CC to Mr.N.Naganathan, Advocate sr 91245
+1 CC to Govt. Pleader sr 91509.

W.P.No.30906 of 2019

SP(20/01/2020)