



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2019

CORAM

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.7475 of 2019

M.Mathavi

.. Petitioner

/Vs./

1.The District Collector,
Collectorate, Thanjavur District.

2.The Revenue Divisional Officer,
Collectorate, Thanjavur District.

3.The Tahsildar,
Papanasam Taluk,
Thanjavur District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to conduct due enquiry and issue the Community Certificate to the petitioner's children namely M.Manju, now aged about 18 years, 2. Malathi, now aged about 16 years and 3.Prakash, now aged about 14 years, within the time frame that may be fixed by this Court based on the petitioner's representation dated 05.03.2012.

For Petitioners : Mr.M.Seeni Sulthan

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

O R D E R

(Order of this court was made by K.KALYANASUNDARAM, J.)

Heard Mr.M.Seeni Sulthan, learned counsel for the petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader for the respondents.

2.This writ petition has been filed for issuance of writ of mandamus directing the respondents to conduct due enquiry and issue Community Certificate to the petitioner's children based on her representation, dated 05.03.2012.



3.The case of the petitioner is that she belongs to Malaikkuravan community which is listed as Scheduled Tribe in Entry No.23 in Annexure - I of the List of communities of the State of Tamilnadu. She has been permanently residing at Melattur Village, Papanasam Taluk, Thanjavur District and her origin is hilly region of Salem District and their forefathers are migrated to the present village.

4.The learned counsel for the petitioner would submit that her daughters and son namely M.Manju, Malathi and Prakash are pursuing their studies and hence she needs community certificate for their studies. Though the application was given in the year 2012, so far no action has been taken by the respondents. Hence, the present writ petition.

5.The learned counsel for the petitioner would submit that the second respondent is the competent authority to consider the grievance of the petitioner and suitable direction may be given to the second respondent.

6.Per contra, the learned Additional Government Pleader would submit that the writ petition has been based on the representation given by the petitioner in the year 2012 and as per the procedure, the petitioner should apply for Community Certificate through online. If proper application submitted through online, the second respondent is ready to consider the same.

7.In the light of the submissions made by the learned Additional Government Pleader and also considering the relief sought for by the petitioner, without going into merits of the matter, this Court directs the petitioner to submit the application through online within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after providing opportunities to all the necessary parties within a period of three months thereafter.

8.With the above directions, this writ petition is disposed of. No costs.

Sd/
Assistant Registrar(Criminal Side)

/True copy/

Sub Assistant Registrar(CS)



1.The District Collector, Collectorate, Thanjavur District.

2.The Revenue Divisional Officer, Collectorate, Thanjavur District.

3.The Tahsildar, Papanasam Taluk, Thanjavur District.

+1cc to Mr.M.Seeni sulthan, Advocate in SR No.57639

+1cc to Spl.Govt.Pleader, SR No.58315

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NM/PS/03.05.2019/3P/6C