



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.08.2019
CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Writ Petition(MD)No.2504 of 2019
and
W.M.P(MD)No.1927 of 2019

P.Venkatesan ... petitioner
Vs.

1.The District Collector,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Tahsildar,
Krishnarayapuram Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the impugned order passed by the 2nd respondent in Na.Ka./2032/2018 (A2) dated 15.10.2018 and to quash the same as illegal and further direct the 2nd respondent to issue community certificate to the petitioner's children Saran and Sivaharish as Kattunayakkan Community as classified In Schedule Tribe List.

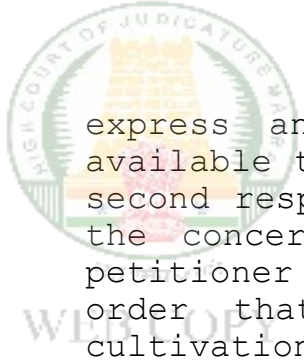
For Petitioner : Mr.K.R.Laxman
For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader

O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU, J**]

This writ petition is filed challenging the order of the second respondent dated 15.10.2018 wherein and whereby the petitioner's request for issuing community certificate as he belongs to Kattunayakkan, was rejected.

<https://hcservices.ecourts.gov.in/hcservices/> 2. Though several contentions were raised in this writ petition touching upon the merits of the matter as well as the reasons stated in the impugned order, we are not inclined to go into the same and



express any view at this stage, since an appellate remedy is available to the writ petitioner, as against the order passed by the second respondent, before the District Level Vigilance Committee of the concerned district. No doubt, the learned counsel for the petitioner contended that one of the reasons stated in the impugned order that the petitioner and his family members are doing cultivation work and therefore, they cannot be considered as the persons belonging to Kattunayakkan community, is not sustainable, in view of the settled position of law by way various decisions rendered by this Court. He relied on one of such decisions made in W.P(MD)No.12845 of 2013 reported in **CDJ 2013 MHC 5604 [M.Esakiraj vs. The District Collector, Tirunelveli]**. As we propose to direct the petitioner to file an appeal before the District Level Vigilance Committee and as we also find that there are other reasons stated in the impugned order for rejecting the petitioner's request, it is for the petitioner to raise all these objections before the appellate authority by placing material evidence in support of his claim. Needless to say that if the petitioner seeks to rely upon certain decisions already rendered by this Court or the Apex Court, it is always open to him to place the same before the appellate authority.

3. Therefore, without expressing any view on the merits of the claim made by the petitioner, this writ petition is disposed of by granting liberty to the petitioner to file such an appeal before the District Level Vigilance Committee within a period of two weeks from the date of receipt of a copy of this order. On receipt of such appeal, the concerned District Level Vigilance Committee shall pass an order on merits and in accordance with law, after granting an opportunity of hearing to the petitioner. Such exercise shall be done by the District Level Vigilance Committee within a period for three months from the date of filing of such appeal by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Karur District,
Karur.

2. The Revenue Divisional Officer,
Kulithalai,
Karur District.



3. The Tahsildar,
Krishnarayapuram Taluk,
Karur District.

Copy to:

The District Vigilance Committee,
Karur District

+1 CC to SPL GP (SR-81239[F] dated 09/08/2019)

+1 CC to Mr.K.R.LAXMAN, Advocate (SR-81628[F] dated 14/08/2019)

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and

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skn

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