



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.10.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)NO.22978 OF 2019

S.Paramasivam

:Petitioner

.vs.

The Revenue Divisional Officer,
Musiri,
Trichy District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the orders passed by the respondent in his proceedings in Na.Ka.A1/4465/2017, dated 19.12.2018 and to quash the same and consequently to direct the respondent to issue Kattunayakkan Community Certificate in favour of the Petitioner and as well as for his son namely Praveen Kumar and his daughter namely Soundarya.

For Petitioner

:Mr.N.Sankar Ganesh

For Respondent

:Mr.S.Angappan
Govt.Advocate

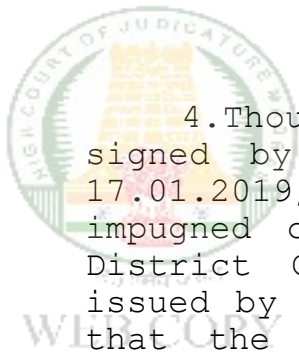
O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM.,J.**]

We have heard Mr.N.Sankar Ganesh, learned counsel appearing for the Petitioner and Mr.S.Angappan, learned Government Advocate, who accepts notice on behalf of the respondent.

2.By consent of either side, the Writ Petition is taken up for final disposal.

3.This Writ Petition has been filed challenging the order passed by the Revenue Divisional Officer, Musiri, rejecting the Petitioner's request for issuance of a Community Certificate certifying that the Petitioner belongs to Kattunayakkan Community.



4. Though the impugned order is dated 19.12.2018, it has been signed by the respondent and received by the Petitioner on 17.01.2019, which is evidenced by the postal cover. Against the impugned order, the Petitioner has an appeal remedy before the District Collector, Tiruchirappalli in terms of the guidelines issued by the Government. Therefore, we are of the considered view that the Petitioner should exhaust such appeal remedy because essentially what is required to be considered to certify a person's community are all factual materials which will form the basis to determine as to whether the person belongs to a particular community or not. Therefore, the appellate remedy available to the Petitioner is not only effective remedy but also an efficacious remedy, which the Petitioner has to exhaust.

5. Accordingly, this Writ Petition is disposed of granting 30 days time from the date of receipt of a copy of this order to the Petitioner to file an appeal before the District Collector, Tiruchirappalli, challenging the order passed by the Revenue Divisional Officer, Musiri. If the appeal is filed, the District Collector is directed to consider the same in accordance with law, as expeditiously as possible, preferably within a period of three months from the date on which the appeal is presented. The Petitioner is directed to enclose a copy of this order along with the appeal petition, since the District Collector, Tiruchirappalli is not a party to the Writ Petition. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

1. The District Collector,
Tiruchirappalli.

2. The Revenue Divisional Officer,
Musiri,
Trichy District.

+1 CC to M/s.N.SHANKAR GANESH, Advocate (SR-95199[F] dated 31/10/2019)

+1 CC to M/s.SPL GP (SR-95443[F] dated 01/11/2019)

W.P (MD) NO. 22978 of 2019

31.10.2019

KK/SAR/18.11.2019/2P-5C/