

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.13168 of 2020

P.Ganesan

...Petitioner

Versus

The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

...Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the entire records of the respondent Na. Ka. No. A2/ 4314/ 2015 dated 04.11.2019 and quash the same and directing the respondent to issue community certificate to the petitioner and his children G.Nandhini and G.Vignesh to the effect that they belong to Kattunayakan community (Schedule Tribe) as admitted by the respondent in her proceedings.

For Petitioner : Mr.R.Rajkumar

For Respondents : Mr.M.Elumalai

Additional Government Pleader

ORDER

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

The petitioner challenges the impugned order passed by the respondents, in and by which, the request for issuance of Hindu Scheduled Tribe Kattunayakan community for the family members came to be rejected and a perusal of the impugned order passed by the respondents would disclose among other things that there is an appeal remedy available in terms of G.O.Ms.No.235 of Revenue Department, dated 25.06.2015 and instead of availing the same, the petitioner has straight away approached this Court by filing this Writ Petition.

2. In the considered opinion of this Court, in the light of the effective alternative remedy made available and in the absence of any specific ground as to the lack of jurisdiction and violation of principles of natural justice, the Writ Petition is not maintainable.

3. At this juncture, the learned counsel appearing for the petitioner, on instructions, seeks permission of this Court to withdraw the Writ Petition, with a liberty to approach the Collector of Thiruvannamalai District to prosecute the appeal remedy and also undertakes to send endorsement through e-mail to the Registry of this Court.

4. This Court heard the submission of Mr.M.Elumalai, learned Additional Government Pleader appearing for the respondent.

5. In the result, the Writ Petition is dismissed as withdrawn and the petitioner is granted liberty to file an appeal before the Collector, Thiruvannamalai District with relevant and authenticated documents within a period of four weeks from the date of receipt of a copy of this order and upon receipt of the same, the Appellate Authority namely the Collector, Thiruvannamalai District, may entertain the appeal, if the papers are otherwise in order, without putting the issue on limitation and dispose of the appeal in accordance with law, as expeditiously as possible. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sk

To

The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

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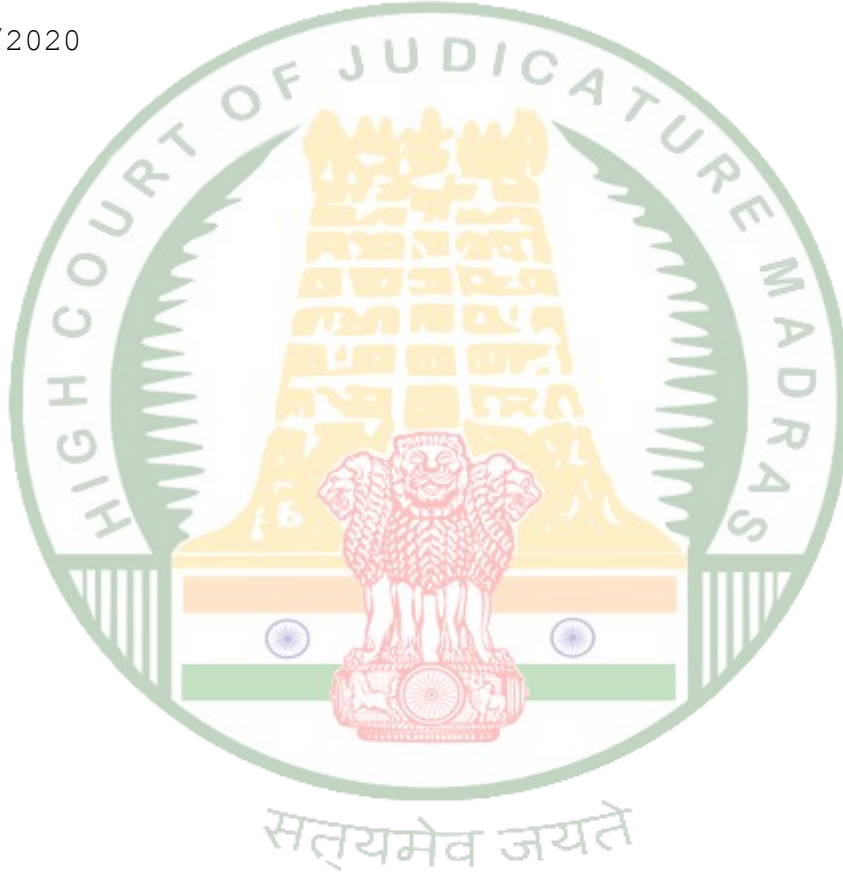
Copy to

The District Collector,
Thiruvannamalai District.

+1cc to Mr.N.Naganathan, Advocate, S.R.No.37514
+1cc to the Government Pleader, S.R.No.37744

W.P.No.13168 of 2020

EV (CO)
KKV/17/12/2020



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