

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.31724 of 2019

K.Palaiyan ... Petitioner

versus

1.The Secretary to Government,
Adhi Dravida and Tribal Welfare Department,
Fort St.George, Chennai - 600 009.

2.The Director of Tribal Welfare,
Ezhilagam Complex,
Chennai - 600 005.

3.The District Collector,
Krishnagiri District,
Krishnagiri.

4.The Adi-Dravida and Tribal Welfare Officer,
Krishnagiri District,
Krishnagiri.

5.The Revenue Divisional Officer,
Krishnagiri Revenue Division,
Krishnagiri - 635 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the proceedings of the third respondent made in Na.Ka.No.27005/2017/L-3 dated 08.09.2019 and quash the same consequently direct the fifth respondent to issue "Adhiyan" Community Certificate to the petitioner and his family members by considering petitioner's representation dated 03.12.2016.

For Petitioner : Mr.S.Thirumavalavan

For Respondents : Mr.V.Shanmuga Sundar

Special Government Pleader

O R D E R

[Order of this Court was made by R.SUBBIAH, J.]

The petitioner has come up with the present Writ petition for a Certiorarified Mandamus, calling for the

proceedings of the third respondent made in Na.Ka.No.27005/2017/L-3 dated 08.09.2019 and quash the same and consequently direct the fifth respondent to issue "Adhiyan" Community Certificate to the petitioner and his family members by considering his representation dated 03.12.2016.

2. Today, when the matter is taken up for consideration, the learned counsel appearing on behalf of the petitioner submitted that without considering the case on merits, the third respondent, namely, the District Collector, Krishnagiri, has rejected the petitioner's representation for issuance of the Community Certificate. Thus, he sought for setting aside the said order and remit the matter for fresh consideration.

3. However, the learned Special Government Pleader appearing on behalf of the respondents submitted that as against the order of rejection, the petitioner is having an appellate remedy before the State Level Scrutiny Committee. He further submitted that without preferring an appeal, the petitioner has filed this writ petition and thus, he sought for dismissal of this writ petition.

4. In view of the above submission made by the learned Special Government Pleader appearing on behalf of the respondents, we are of the opinion that when the appellate remedy is available, the petitioner cannot file a writ petition. Therefore, we are not inclined to entertain this writ petition. However, the petitioner is at liberty to file an appeal before the State Level Scrutiny Committee, within a period of two weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

sri

To

1.The Secretary to Government,
Adhi Dravida and Tribal Welfare Department,
Fort St.George, Chennai - 600 009.

2.The Director of Tribal Welfare,
Ezhilagam Complex,
Chennai - 600 005.

3.The District Collector,
Krishnagiri District,
Krishnagiri.

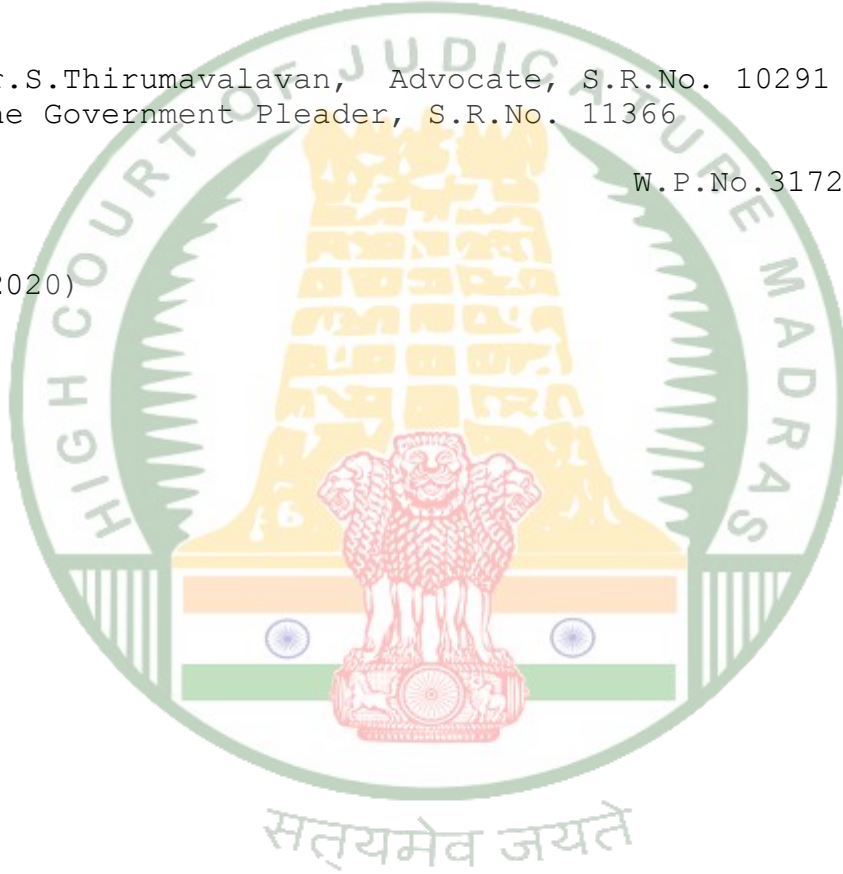
4.The Adi-Dravida and Tribal Welfare Officer,
Krishnagiri District,
Krishnagiri.

5.The Revenue Divisional Officer,
Krishnagiri Revenue Division,
Krishnagiri - 635 001.

+1cc to Mr.S.Thirumavalavan, Advocate, S.R.No. 10291
+1cc to the Government Pleader, S.R.No. 11366

W.P.No.31724 of 2019

PM(CO)
GN(02/03/2020)



WEB COPY