



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.10599 of 2020

WEB COPY

R.Ramesh

... Petitioner

Vs.

1.The District Collector,
Tirunelveli, Tirunelveli District.

2.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.

3.The Tahsildar,
Sankarankoil,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd Respondent to issue community certificate as Kattunaicken as Scheduled Tribe to the Petitioner by disposing his representation dated 30.12.2013 within the time limit that may be fixed by this Hon'ble Court.

For Petitioner	:	Mr.D.Selvanayagam
For Respondents	:	Mr.B.Bagavathi Government Advocate

O R D E R

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

The petitioner claims to be a native of Sankarankoil and due to his family circumstances, he shifted his family from Sankarankoil to Tiruchirappalli, where he was born, and after some education he joined a private company and his family continues to reside at Pulliyur. It is the case of the petitioner that he belongs to Hindu Schedule Tribe Kattunaicken Community and the transfer certificate issued by Bishof Heber Higher Secondary School, Puthur, Trichy - 620 017 also discloses that he belongs to the said community. The petitioner in this regard submitted an application dated 30.12.2013, to the first respondent, praying for issuance of such community certificate and thereafter, the said request has been tossed from one officer to another, mainly on the ground that he is a native of Sankarankoil. The office of the second respondent sent a communication in Na.Ka.A7/8832/2013 dated 06.01.2014 to the Revenue Tahsildar, Sankarankoil - the third respondent, for sending a report along with the genealogical report of the petitioner. Despite lapse



of 6 years from sending the communication, nothing is moving forward and hence, he has approached this Court with this Writ Petition.

2.The learned counsel for the petitioner would submit that the petitioner, who is hailing from a downtrodden community, is made to run from pillar to post in getting the community certificate and though seven years have lapsed from the date of submission of the application, no positive response is forthcoming and hence, prays for appropriate orders.

3.Mr.B.Bagavathi, learned Government Advocate accepts notice on behalf of the respondents and would submit that the needful will be done within four weeks from the date of receipt of a copy of this order.

4.This Court considered the rival submissions and perused the materials placed before it.

5.It is rather unfortunate and sorry to note that a person, seeking community certificate is made to run from pillar to post. It is also to be noted at this juncture that community certificate plays an important role in shaping the career of a particular individual and therefore, it is obligatory on the part of the concerned officials to take immediate action either to issue community certificate or return the application for rectification of the defects or reject the same, which is not done in this case. It *prima facie* appears that the delay on the part of the official respondents remained unexplained.

6.This Court, in the above facts and circumstances, directs the respondents to take a call and consider the request made by the petitioner for issuance of Hindu Schedule Tribe Community Certificate on merits and in accordance with law and pass appropriate orders within four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

7.The Writ Petition stands disposed of accordingly. However, in the circumstances of the case, there shall be no order as to the costs.

Call on **12.10.2020** for filing the affidavit of the first respondent as to the compliance of the order.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

- 1.The District Collector,
Tirunelveli,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.
- 3.The Tahsildar,
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SPU (08.09.2020) 3P 4C