

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.3445 of 2021

S.Iyyappan

... Petitioner

Vs.

The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondent to appoint and conduct the enquiry with the Head of the Anthropology Department, School of Social Sciences, University of Madras, Chepauk, Chennai - 600 005 or Anthropologist, who has intimate knowledge in identifying the tribes in respect of the Scheduled Tribe Communities of Tamil Nadu and after receipt of Anthropologist and Revenue Officials reports, directing the respondent to consider and pass orders on petitioner's application dated 08.03.2016 and reminders letter dated 18.11.2020 and 18.01.2021 within a stipulated time.

For Petitioner : Mr.N.Naganathan

For Respondent : Mr.R.Vijayakumar

Additional Government Pleader

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)

(Through Video Conferencing)

The petitioner claims to be a permanent resident of Thenimalai Village, Thiruvannamalai Taluk, Thiruvannamalai District, and he belongs to "Hindu Scheduled Tribe - Kattunayakkan" Community. The petitioner would state that he is eking his livelihood as a daily wage labourer and for the purpose of educating his three children, namely, Thamilselvi, Vishwa and Gopika, and to get the benefit of reservation, he applied for issuance of Community Certificate in favour of his three children, vide application dated 08.03.2016, to the respondent, and along with the said application, also enclosed

Family Card, School Certificate, his Junior Father's Community Certificate, as well as the School Admission Registration pertaining to the three children.

2.Learned counsel appearing for the petitioner would submit that the said application is kept pending for nearly four years and odd without any disposal, and he would further add that, if an independent assessment is being done with the assistance of the Head of Anthropology Department, School of Social Sciences, University of Madras, Chepauk, Chennai - 600 005, disposal of similar applications can be expedited, and prays for appropriate orders.

3.Mr.R.Vijayakumar, learned Additional Government Pleader, accepts notice on behalf of the respondent, and would submit that it is not open to the petitioner to prescribe the method or mode under which the scrutiny of the applications for issuance of Hindu Scheduled Tribe Community Certificate should be done, and insofar as the case of the petitioner is concerned, steps will be taken expeditiously to conclude the enquiry as to the request for issuance of Community Certificate in favour of his three children.

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

5.The petitioner wants a positive direction for appointment of the Head of Anthropology Department, School of Social Sciences, University of Madras, Chepauk, Chennai - 600 005, or any Anthropologist for the purpose of assisting the concerned officials for expeditious disposal of the applications submitted for issuance of Hindu Scheduled Tribe Community Certificate. In the considered opinion of this Court, it is not for the Court to advise or tell as to how the processing of the applications for issuance of Hindu Scheduled Tribe Community Certificate, should be done, as it falls within the exclusive domain of the concerned officials. However, taking into consideration the fact that the application, dated 08.03.2016, submitted by the petitioner for issuance of "Hindu Scheduled Tribe - Kattunayakkan" Community Certificate in favour of his three children, is kept pending for nearly four years and odd, this Court directs the respondent to consider the plea/request of the petitioner on merits and in accordance with law, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order/uploading of this order in the website, and communicate the decision taken to the petitioner.

This writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(CCC)

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Sub-Assistant Registrar

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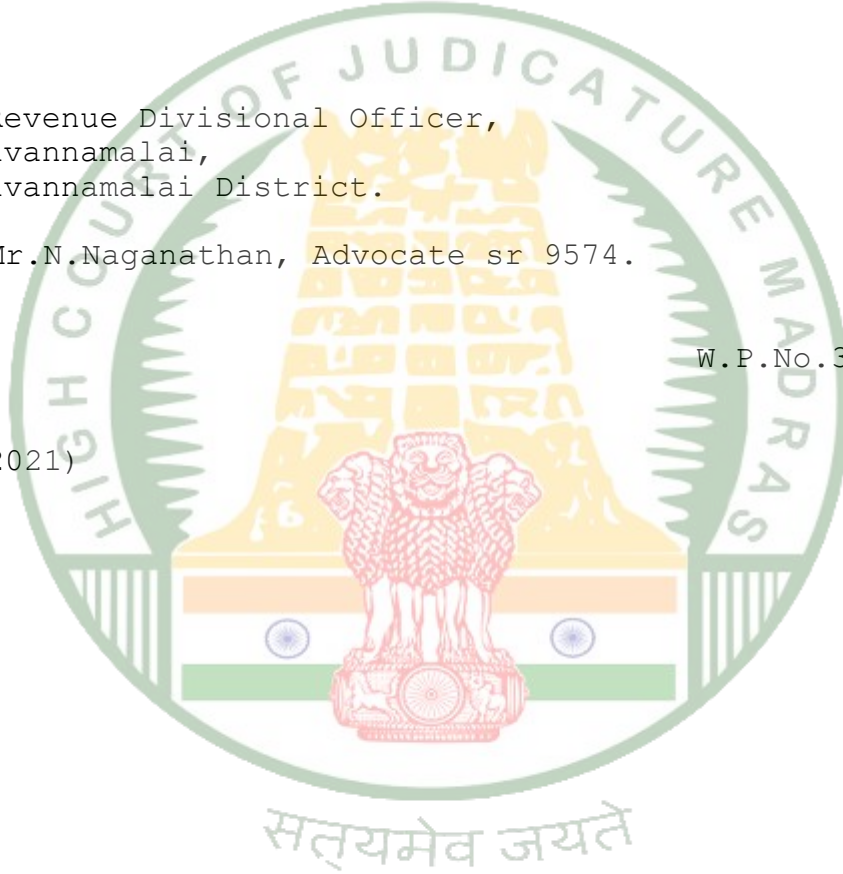
To

The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

+1 Cc to Mr.N.Naganathan, Advocate sr 9574.

W.P.No.3445 of 2021

BS (CO)
SP (02/03/2021)



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