

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.Nos.9690,9693, 9694 and 9695 of 2021

W.P.No.9690 of 2021

M.Ambiga

... Petitioner

Vs

1.The Sub Collector,
NO.5/238, Boys School Road,
Periyar Nagar,
Harur,
Dharmapuri District,
Tamil Nadu - 636 903.

2.The Revenue Divisional Officer,
Gandhi Nagar,
Dharmapuri,
Dharmapuri District.

3.The Tahsildar,
No.4, 5th TVK Nagar Road,
Anna Nagar,
Pappireddypatti,
Dharmapuri District,
Tamil Nadu - 636 905.

4.The District Collector,
Dharmapuri District, Dharmapuri.

... Respondents

(R4 Suo Motu impleaded vide order dated 20/04/2021)

PRAYER in W.P.No.9690 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, praying to call for the records pertaining to the orders in Pa.Mu.3567/2019/A3, dated 26.12.2020 of the first respondent to quash the same and to issue consequential direction to issue Community Certificate to the petitioner certifying that he belongs to "Kurumans (ST) Community.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr.E.Elumalai
Additional Government Pleader

(ii) W.P.No.9693 of 2021

M.Madesh

... Petitioner

Vs

1.The Sub Collector,
No.5/238, Boys School Road,
Periyar Nagar,
Harur,
Dharmapuri District,
Tamil Nadu - 636 903.

2.The Revenue Divisional Officer,
Gandhi Nagar,
Dharmapuri,
Dharmapuri District.

3.The Tahsildar,
No.4, 5th TVK Nagar Road,
Anna Nagar,
Pappireddypatti,
Dharmapuri District,
Tamil Nadu - 636 905.

4.The District Collector,
Dharmapuri District, Dharmapuri. Respondents

(R4 Suo Motu impleaded vide order dated 20/04/2021)

PRAYER in W.P.No.9693 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, praying to call for the records pertaining to the orders in Pa.Mu.3568/2019/A3, dated 26.12.2020 of the first respondent to quash the same and to issue consequential direction to issue Community Certificate to the petitioner certifying that he belongs to "Kurumans (ST) Community.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr.E.Elumalai
Additional Government Pleader

(iii) W.P.No.9694 of 2021

M.Emji

... Petitioner

Vs

1.The Sub Collector,
NO.5/238, Boys School Road,
Periyar Nagar,
Harur,
Dharmapuri District,
Tamil Nadu - 636 903.

2.The Revenue Divisional Officer,
Gandhi Nagar,
Dharmapuri,
Dharmapuri District.

3.The Tahsildar,
No.4, 5th TVK Nagar Road,
Anna Nagar,
Pappireddypatti,
Dharmapuri District,
Tamil Nadu - 636 905.

4.The District Collector,
Dharmapuri District, Dharmapuri. ... Respondents
(R4 Suo Motu impleaded vide order dated 20/04/2021)

PRAYER in W.P.No.9694 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, praying to call for the records pertaining to the orders in Pa.Mu.3569/2019/A3, dated 26.12.2020 of the first respondent to quash the same and to issue consequential direction to issue Community Certificate to the petitioner certifying that he belongs to "Kurumans (ST) Community.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr.E.Elumalai
Additional Government Pleader

(iv) W.P.No.9695 of 2021
M.Murugesan

... Petitioner

Vs

1.The Sub Collector,
NO.5/238, Boys School Road,
Periyar Nagar,
Harur, Dharmapuri District,
Tamil Nadu - 636 903.

2.The Revenue Divisional Officer,
Gandhi Nagar,
Dharmapuri, Dharmapuri District.

3.The Tahsildar,
No.4, 5th TVK Nagar Road,
Anna Nagar, Pappireddypatti,
Dharmapuri District,
Tamil Nadu - 636 905.

4.The District Collector,
Dharmapuri District, Dharmapuri.

... Respondents

(R4 Suo Motu impleaded vide order dated 20/04/2021)

PRAYER in W.P.No.9695 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, praying to call for the records pertaining to the orders in Pa.Mu.3570/2019/A3, dated 26.12.2020 of the first respondent to quash the same and to issue consequential direction to issue Community Certificate to the petitioner certifying that he belongs to "Kurumans (ST) Community.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr.E.Elumalai
Additional Government Pleader

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matters were heard through "Video Conference".

2. These writ petitions have been filed for a Writ of Certiorarified Mandamus to call for the records pertaining to the orders in Pa.Mu.Nos.3567/2019/A3, 3568/2019/A3, 3569/2019/A3, 3570/2019/A3, respectively, dated 26.12.2020 of the first respondent to quash the same and to issue consequential direction to issue Community Certificate to the petitioners certifying that they are belonging to "Kurumans" (ST) Community.

3. The petitioners claim is that they are belonging to Kurumans community, which is classified as Scheduled Tribe. The petitioners applied for Scheduled Tribe certificate to the Revenue Divisional Officer, who rejected the same by way of the impugned order dated 26.12.2020, which is sought to be challenged before this Court.

4. Taking into consideration the fact that the petitioners have already filed the appeal before the District Collector, Dharmapuri District, it is appropriate to suo motu implead the District Collector, Dharmapuri District as 4th respondent to these proceedings. Accordingly, the District Collector, Dharmapuri District, is suo motu impleaded as 4th respondent in all the writ petitions.

5. Heard Mr.J.Muthukumaran, learned counsel appearing for the petitioners and Mr.M.Elumalai, learned Additional Government Pleader, appearing on behalf of respondents 1 to 4.

6. The learned Government Pleader would submit that there is an appeal provision and the appeals filed by the petitioners are pending before the District Collector and he would rely upon G.O.Ms.No.235, Revenue Department, dated 26.06.2015, by which an appeal lies only before the District Collector. The said G.O., was issued pursuant to the order issued by the Madurai Bench of this Court in W.P.(MD)No.1355 of 2015, dated 05.02.2015.

7. Taking into consideration that the respective petitioners have filed appeals before the District Collector, Dharmapuri, it is appropriate to direct the District Collector, Dharmapuri, to dispose the appeals, after giving an opportunity to the respective petitioners, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. These writ petitions stand disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

ub/sai

To

1.The Sub Collector,
NO.5/238, Boys School Road,
Periyar Nagar,
Harur,
Dharmapuri District,
Tamil Nadu - 636 903.

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2.The Revenue Divisional Officer,
Gandhi Nagar,
Dharmapuri,
Dharmapuri District.

3.The Tahsildar,
No.4, 5th TVK Nagar Road,
Anna Nagar,
Pappireddypatti,
Dharmapuri District,
Tamil Nadu - 636 905.

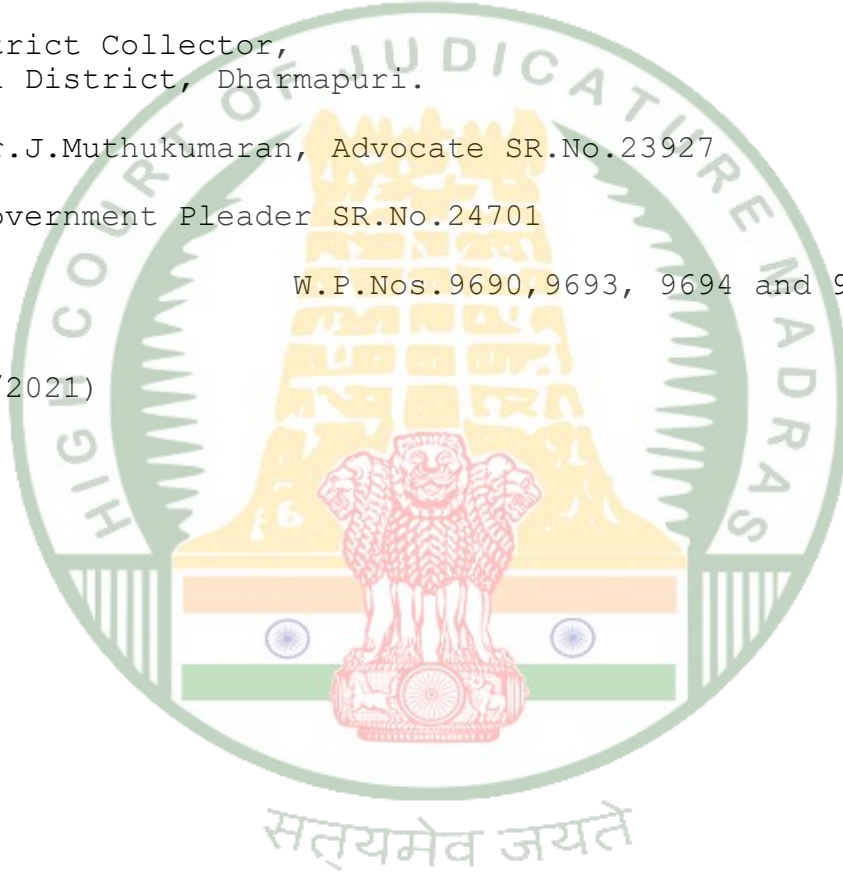
4.The District Collector,
Dharmapuri District, Dharmapuri.

+4cc to Mr.J.Muthukumaran, Advocate SR.No.23927

+1cc to Government Pleader SR.No.24701

W.P.Nos.9690,9693, 9694 and 9695 of 2021

MG(CO)
GMY(12/07/2021)



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