

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.16513 of 2020

B.Kalaiarasan

... Petitioner

Vs.

The Sub Collector,
Harur,
Dharmapuri District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order of rejection passed in proceedings No. N. Ka. 972/ 2018/ A3 dated 9.7.2020 on the file of the respondent quash the same and direct the respondent to issue Community Certificate to the petitioner's Son K.Mani Bharathi that he belongs to Kurumans (ST) community based upon the community certificate already issued to the petitioner's Daughter K.Vijaya Priya and petitioner's own brother Tamil Mani which was verified by the State Level Caste Scrutiny Committee in proceedings No. 41/ CVIII/ 2003 dated 3.12.2014.

For Petitioner : Mr.S.Doraisamy

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 that he belongs to Hindu Scheduled Tribe Kurumans Community and submitted an application for getting the said Community Certificate in favour his son, namely, Mani Bharathi. The Revenue Divisional Officer, Harur, vide proceedings dated 13.04.2015, in Pa.Mu.7911/2010(Aa1), has rejected the said application, and the petitioner aggrieved by the same, filed W.P.No.8942 of 2017 on the file of this Court.

A Division Bench of this Court, vide final order dated 24.07.2017, had disposed of the writ petition with certain directions.

2.The Collector of Dharmapuri District, vide proceedings dated 21.02.2020, has set aside the order passed by the Revenue Divisional Officer, dated 13.04.2015, and ordered fresh adjudication. Accordingly, the said official, after adjudication, has rejected the request vide order dated 09.07.2020, and challenging the legality of the said order, the present writ petition is filed.

3.Learned counsel appearing for the petitioner would submit that, in the light of the fact that the brother of the petitioner, namely, Tamil Mani, as well as the daughter of the petitioner, namely, Vijaya Priya, had been issued with Hindu Scheduled Tribe Kurumans Community Certificate, there cannot be any impediment on the part of the sole respondent to pass a positive order, however, without appreciating the relevant facts and by exhibiting non-application of mind, the respondent has erroneously rejected the said request made by the petitioner, and prays for interference.

4.Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader, appearing on behalf of the respondent, has drawn the attention of this Court to the counter affidavit of the respondent, dated January, 2021, and would submit that the respondent, after taking note of the relevant facts and circumstances, has rightly reached a conclusion to reject the request for issuance of Hindu Scheduled Tribe Kurumans Community Certificate in favour of the son of the petitioner, namely, Mani Bharathi, and as such, the impugned order may not warrant interference. It is also pointed out by the learned Additional Government Pleader that the petitioner is having an effective alternative remedy in the form of appeal before the Tamil Nadu State Level Scrutiny committee for Scheduled Tribes, within 60 days from the date of the order.

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

6.In the light of the effective alternative remedy available, the petitioner is at liberty to challenge the impugned order passed by the respondent, dated 09.07.2020, by filing an appeal before the Tamil Nadu State Level Scrutiny Committee for Scheduled Tribes, by enclosing relevant and authenticated documents, within a period of three weeks from the date of receipt of a copy of this order/uploading of this order in the website, and upon receipt of the same, the said Committee is directed to consider the said appeal objectively on merits

and in accordance with law, within a further period of eight weeks thereafter, and communicate the decision taken to the petitioner.

This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
3rd Floor, Secretariat,
Chennai - 600 009.

2.The Sub Collector,
Harur,
Dharmapuri District.

+1cc to The Government Pleader SR.NO.5752

AKM/25.02.21/ 3P-4C/

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