



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.A. NAKKIRAN

W.P.No.18975 of 2021

Venkatesan

...Petitioner

-VS-

1.The District Collector,
Kallakurichi District,
Kallakurichi.

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

3.The Tahsildhar,
Sankarapuram Taluk,
Kallakurichi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, directing the first respondent to dispose of the appeal filed by the petitioner on 09.03.2021 against the order of the second respondent dated 05.03.2021 made in Na.Ka.No.A7/6600/2018 rejecting an application to issue Malaikuruvar Community Certificate for his adopted son V.Sanjeevaraayan within a stipulated time framed by this Honourable Court.

For Petitioner : Mr.C. Prabakaran

For Respondents : Mr.K.V. Sanjeevkumar
Government Advocate

O R D E R

(Order of this Court was made by S.VAIDYANATHAN, J)

This Writ Petition has been filed to direct the First Respondent to dispose of the Appeal filed by the petitioner on 09.03.2021 against the order of the second respondent dated 05.03.2021 made in Na.Ka.No.A7,6600,2018, rejecting an application to issue Malaikuruvar Community Certificate for his adopted son V. Sanjeevaraayan.



3. It is the case of the petitioner that he and his predecessors belongs to Malai Kuruvar community and many families of the said community are residing in Petitioner's village. As the petitioner has not blessed with any child, he adopted his sister's son by name Mr.V.Sanjeevaraayan and educated him all along and now is working in Corite Factory, Ooty. Since the Petitioner's son requires community certificate, the petitioner made an application before the second respondent, seeking to issue community certificate for his adopted son Mr.Sanjeevaraayan. In pursuance of the said application, the third respondent conducted enquiry and sent a report to the second respondent recommending to issue community certificate, by incorporation his community as Malaikuruvar community. Despite the recommendation being made, the second respondent rejected the application of the petitioner vide order dated 05.03.2021. Being aggrieved by the same, the petitioner made an appeal before the first respondent on 09.03.2021. Since the same was not disposed of till date, the petitioner has come forward with the aforesaid relief.

i) A direction is issued to the First Respondent concerned to consider the Appeal preferred by the petitioner dated 09.03.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing either physically or virtually, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the First Respondent concerned shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;



iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the Appeal dated 09.03.2021 and this order, to the First Respondent concerned forthwith;

v) The First Respondent is directed to communicate the decision taken on the Appeal, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

arr/shk

To

1.The District Collector,
Kallakurichi District,
kallakurichi.

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

3.The Tahsildhar,
Sankarapuram Taluk,
Kallakurichi District.

+1cc to M/s.C.Prabakaran, Advocate SR.No.45782

+1cc to the Government Pleader SR.No.46516

W.P.No.18975 of 2021

KSM(CO)
RVM(29/09/2021)