



WEB COPY

W.P(MD)NO.13428 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P (MD) NO.13428 of 2021

and

W.M.P (MD) No. 10376 Of 2021

Seetharani

: Petitioner

vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Collector Office,
Madurai South, Madurai.

3.The Tahsildar,
Vadipatti Taluk,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order in Na.Ka.No.1642/2017/L, dated 28.04.2017, passed by the second respondent and to quash the same and consequently to directing the respondents to issue community certificate to the petitioner.

For Petitioner : Mrs.Rajeswari
for Mr.S.M.S.Johnny Basha
For Respondents : Mr.P.Thilak Kumar
Government Pleader

O R D E R

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

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order, dated 28.01.2017, passed by the second respondent and to quash the same and consequently, to direct the respondents to issue Community Certificate to the petitioner.

2.When the Writ Petition is taken up for hearing today, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents submitted that the Writ Petition filed by the petitioner is not maintainable, for the reason that the petitioner has got



remedy by way of an appeal before the District Level Scrutiny Committee.

3.The learned Counsel appearing for the petitioner submitted that the petitioner has already filed an appeal before the first respondent on 14.06.2017. However, the first respondent has not disposed of the same. The learned Counsel appearing for the petitioner submitted that it would suffice to direct the first respondent to dispose of the appeal within a time frame.

4.Having regard to the submissions made by the learned Counsel for the petitioner, taking into consideration, the prayer sought by her, without expressing any opinion on the merits of the case, we direct the first respondent to consider the petitioner's appeal,dated 28.04.2017 and pass orders on merits and in accordance with law, after giving opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of copy of this order.

5. With these observations, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (A.D I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn/lr

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,
Madurai District.

2.The Revenue Divisional Officer,
Collector Office,
Madurai South, Madurai.



3.The Tahsildar,
Vadipatti Taluk,
Madurai District.

+1 CC to M/s.S.M.S.JOHNNY BASHA, Advocate (SR-33076[F] dated
28/10/2021)

+1 CC to M/s.SPL.GP (SR-33202[F] dated 29/10/2021)

ORDER MADE IN
W.P (MD) NO.13428 of 2021
and
W.M.P (MD) No. 10376 Of 2021
28.10.2021

SAR(CO)
RS/JGB (16.11.2021) 3P 6C