



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2022

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MRS. JUSTICE S. ANANTHI

W.P. No. 9122 of 2022

L.Nagarajan

.. Petitioner

Versus

1. The District Collector
Thirupathur District,
Collectorate, Government Garden,
Tirupathur - 635 601.

2. The Sub-Collector,
Tirupattur Taluk,
Tirupattur District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's appeal dated 24.02.2022 within a time-frame to the stipulated by the Honourable Court after affording an opportunity of personal hearing.

For Petitioner	:	Ms. K. Nithyashree
For Respondents	:	Mr. M. Bindran Additional Government Pleader

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

Seeking a direction to the first respondent to consider and pass orders on the petitioner's appeal dated 24.02.2022 after affording an opportunity of personal hearing to him, the present writ petition has been filed.

2. It is the case of the petitioner that he belongs to Scheduled Tribe - Hindu Kurumans community. He and his family members submitted applications seeking issuance of community certificate to the effect that they belong to Kurumans (ST) community. However, the said applications were rejected by order dated 14.12.2017 holding that they do not belong to Kurumans ST community and they belong to Kurumbar Most Backward community.



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Therefore, the petitioner filed W.P.No.26979 of 2018 and by order dated 01.11.2018, the said writ petition was disposed of, by setting aside the rejection order and directing the Sub Collector, Tirupattur to issue ST community certificate to the petitioner. However, the said order was not complied with, which compelled the petitioner to file Contempt Petition No.728 of 2019. During the pendency of the said contempt petition, the respondents have filed Review Application No.142 of 2019 against the order dated 01.11.2018 in W.P. No. 26979 of 2018 and the Review Application was dismissed with a direction to issue provisional community certificate to the petitioner until the State Level Scrutiny Committee completes the enquiry in the application submitted by the petitioner.

3. The petitioner further averred that aggrieved by the dismissal order passed in the Review Application, the respondents filed a batch of appeals being Civil Appeal Nos.481-490 of 2021 before the Apex Court and by a common order dated 11.02.2021, the appeals were partly allowed directing the Revenue Divisional Officer to decide the question of issuance of ST community certificate to the petitioner and other similarly situated persons within a period of two months. However, the Sub Collector, Tirupattur, by order dated 18.10.2021, rejected the claim of the petitioner for issuance of ST Kurumans community certificate, against which, the petitioner preferred an appeal dated 24.02.2022 before the first respondent. Since the said appeal is pending consideration, he has filed the present writ petition.

4. Heard Ms.K.Nithyashree, learned counsel appearing for the petitioner and Mr. M. Bindran, learned Additional Government Pleader taking notice on behalf of the respondents.

5. Considering the limited relief sought in this writ petition, the first respondent is directed to consider the petitioner's appeal dated 24.02.2022 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-
VACATION OFFICER

//True Copy//

Sub Assistant Registrar

mmi/rsh



To

1. The District Collector,
Thirupathur District,
Collectorate, Government Garden,
Tirupathur - 635 601.

2. The Sub-Collector,
Tirupattur Taluk,
Tirupattur District.

+1cc to Ms. K. Nithyashree, Advocate, S.R.No.31105

+1cc to the Government Pleader, S.R.No.31280

WP No. 9122 of 2022

NRL (CO)
CT 25/05/2022