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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

WP.No.11524/2022

V.Dhanasekaran

..Petitioner

Versus

1. The Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat,
Chennai - 600 009,
rep by its Chairman.
2. The Director,
Tribal Welfare Department,
Chepauk,
Chennai 600 005.
3. The Collector,
Dharmapuri,
Dharmapuri District.
4. The Sub Collector,
Harur,
Dharmapuri District.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents 1 and 2 to proceed with the enquiry and pass orders regarding genuineness of social status and verification of Kurumans (ST) community of the petitioner as per the second appeal preferred before the 1st respondent dated 12.11.2021 against the order of the 3rd respondent in proceedings in Na.Ka.6215/2021/A2 dated 03.11.2021 confirming the rejection order passed by the 4th respondent in proceedings in Ni.Mu.1751/2020/A3 dated 11.01.2021 within the time framed manner.



For Petitioner : Mr.S.Doraiswamy
For R1 to R4 : Mr.M.Bindran
Additional Government Pleader

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ORDER

[Order of the Court was made by R.MAHADEVAN, J]

The present writ petition is filed seeking for issuance of a writ of mandamus directing the respondents 1 and 2 to proceed with the enquiry regarding genuineness of social status and verification of Kurumans (ST) community of the petitioner and pass orders in the second appeal dated 12.11.2021 preferred before the 1st respondent against the order of the 3rd respondent in proceedings in Na.Ka.6215/2021/A2 dated 03.11.2021 confirming the rejection order passed by the 4th respondent in proceedings No.Ni.Mu.1751/2020/A3 dated 11.01.2021 within a time frame to be stipulated by this court.

2.The case of the petitioner is that he belongs to Kurumans Community, which is classified as Scheduled Tribe Community. His brother by name V.Krishnamoorthy, obtained Community Certificates for himself and his children from the Revenue Divisional Officer, Harur, Dharmapuri District, on 25.11.2017, pursuant to the order of this court dated 14.11.2016 in WP.No.39664 of 2016. Based on the same, the petitioner applied for community certificate for his children viz., D.Swarnalakshmi and D.Bhakeyalakshmi, before the fourth respondent on 14.06.2019. However, the said application was not considered. Hence, he filed WP.No.10823 of 2020, which was disposed of, directing the fourth respondent to dispose of the said application within a period of six weeks from the date of receipt of a copy of this order. Pursuant to the said direction, the fourth respondent called upon the petitioner to appear for enquiry, however, rejected the claim of the petitioner on 11.01.2021. Challenging the same, the petitioner preferred an appeal before the third respondent, who, without conducting any enquiry, also rejected the petitioner's appeal, by order dated 03.11.2021, against which, he filed a second appeal on 12.11.2021 before the first respondent. Upon receipt of the same, the first respondent referred the matter to the Vigilance Cell Officer through the second respondent on 03.03.2022. Thereafter, no progress was made with regard to the claim of the petitioner. Hence, this writ petition.

3.Heard the learned counsel for the petitioner and the learned Additional Government Pleader who accepts notice on behalf of the respondents and also perused the materials placed before it.



4.Considering the facts and circumstances of the case and without going into the merits of the claim projected by the petitioner in this writ petition, this court directs the first respondent to consider the second appeal dated 12.11.2021 filed by the petitioner and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein.

5.This writ petition stands disposed of accordingly. No costs.

Sd/-
Vacation Officer

True Copy//

Sub Assistant Registrar

AP

To

1. The Chairman
Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai - 600 009.
2. The Director,
Tribal Welfare Department,
Chepauk, Chennai 600 005.
3. The Collector,
Dharmapuri, Dharmapuri District.
4. The Sub Collector,
Harur, Dharmapuri District.

+1cc to Mr.S.Doraiswamy, Advocate, S.R.No.31115

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PA[co]
NSK/25/05/2022