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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.11530/2022

P.Maheswari

..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 Revenue Divisional Officer,
Dharmapuri,
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 04.01.2022 against the order of the 3rd respondent in proceedings in Na.Ka.15493/2017/Ko3 dated nil.09.2019 confirming the rejection order passed by the 4th respondent in proceedings in Na.Ka.10758/2015/A4 dated 21.10.2016 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 for issuance of a writ of mandamus directing the respondents 1 and 2 to proceed with the enquiry regarding genuineness of the social status and verification of Kurumans (ST) community of the petitioner and pass orders in the second appeal dated 04.01.2022 preferred before the 1st respondent against the order of the 3rd respondent in proceedings in Na.Ka.15493/2017/Ko3 dated Nil.09.2019 confirming the rejection order passed by the 4th respondent in proceedings Na.Ka.10758/2015/A4 dated 21.10.2016 within a time frame to be stipulated by this court.

2.The case of the petitioner is that she belongs to Kurumans Community, which is classified as Scheduled Tribe community and that, the petitioner and her husband were issued with Community Certificates to that effect on 12.05.1997 by the 4th respondent. Based on the same, her husband submitted an application seeking for issuance of the Community Certificates to their children viz., S.Geerthanamani and S.Chandru, before the 4th respondent on 18.11.2014, enclosing all the required documents. Since no order was passed, the petitioner's husband filed a writ petition in WP.No.29210/2015, which was disposed of by this court, by directing the fourth respondent to dispose of the said application, within a period of four weeks. Pursuant to the said direction, the fourth respondent issued a notice for enquiry, however, subsequently, rejected the application of the petitioner's husband, by order dated 21.10.2016. In the mean while, the petitioner's husband died. Thereafter, as per the order of this court dated 24.07.2017 in WP.No.8167 of 2017, the petitioner preferred an appeal before the Appellate Authority, the third respondent herein, who also confirmed the order of the fourth respondent and rejected the claim of the petitioner. Aggrieved over the same, the petitioner filed a second appeal before the first respondent on 04.01.2022, but the same is pending without any consideration, till date. Therefore, 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 04.01.2022 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.The 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 Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

+1cc to Mr.S.Doraiswamy, Advocate, S.R.No.31114

WP.No.11530/2022

PA[co]
NSK/25/05/2022