



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

WP.No.11532/2022

D.Nanjundan

..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 dispose the second appeal dated 09.03.2022 preferred as per the G.O.Ms.No.147, Revenue Department, dated 17.03.2016 filed against the order of the 3rd respondent dated 28.02.2022 confirming the order of the 4th respondent dated 09.02.2015 and to proceed with the enquiry regarding genuineness of social status and verification of Kurichchan (ST) community of the petitioner 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 dispose of the second appeal dated 09.03.2022 preferred by the petitioner as per G.O.Ms.No.147, Revenue Department, dated 17.03.2016 against the order of the 3rd respondent dated 28.02.2022 confirming the order of the 4th respondent dated 09.02.2015 and consequently, proceed with the enquiry with respect to genuineness of the social status and verification of Kurichchan (ST) community of the petitioner, within a time framed manner.

2.The case of the petitioner is that he and his family members belong to Kurichchan community, which is classified as Scheduled Tribe Community. On 13.08.2014, he submitted an application to the 4th respondent seeking issuance of community certificate to him. He also submitted a sworn statement dated 07.11.2014 as per the guidelines issued by the Hon'ble Supreme Court in Kumari Madhuri Patil's case reported in AIR 1994 SC 94. However, the said application was not considered. Thereafter, as per the order of this court dated 26.11.2014, in WP.No.30845/2014 filed by the petitioner, the 4th respondent passed an order dated 09.02.2015, rejecting the claim of the petitioner. The said order was challenged by the petitioner by filing WP.No.9931/2019 and this court, vide order dated 24.04.2019, directed the petitioner to approach the Appellate Authority, namely, the 3rd respondent herein. Accordingly, the petitioner preferred an appeal on 08.08.2019 before the 3rd respondent, who, by order dated 28.02.2022, without conducting any enquiry, rejected the said appeal and confirmed the order of the fourth respondent. Aggrieved against the same, the petitioner preferred a Second Appeal before the 1st respondent on 09.03.2022 and the same is pending without any progress. 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 documents enclosed in the typed set of papers.

4.This court, taking note of the facts and circumstances of the case and without going into the merits of the claim projected by the petitioner in this writ petition, directs the first respondent to consider the second appeal dated 09.03.2022 filed by the petitioner and pass appropriate orders, on merits



and in accordance with law, after affording an opportunity of 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.31113

WP.No.11532/2022

PA[co]
NSK/25/05/2022