



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.12100/2022

L.Nagaraj

.. Petitioner

Versus

The Tamil Nadu State Level Scrutiny Committee,  
Adi Dravidar and Tribal Welfare Department,  
Namakkal Kavingar Maligai,  
Secretariat,  
Chennai - 600 009,  
rep by its Chairman.

.. Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondent to proceed with the enquiry already fixed by the respondent dated 20.03.2020 regarding Kurichchan (ST) community Social status of the petitioner based upon the genuineness report of the petitioner's own brother L.Moorthi issued by the respondent in proceedings No.12827/CVIII/2019-11, dated 24.03.2020.

For Petitioner : Mr.S.Doraiswamy

For Respondent : Mr.M.Bindran  
Additional Government Pleader

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 respondent to proceed with the enquiry already fixed by the respondent dated 20.03.2020 regarding Kurichchan (ST) community social status of the petitioner, based upon the genuineness report issued by the respondent in proceedings No.12827/CVIII/2019-11, dated 24.03.2020 in favour of the petitioner's own brother L.Moorthi.



2.The case of the petitioner is that he belongs to Kurichchan Community which is classified as a Scheduled Tribe Community. On 26.08.2010, the petitioner submitted application to the Revenue Divisional Officer, Dharmapuri requesting to issue community certificate to him as well as his children. However, without conducting any enquiry, the said application was rejected by the Revenue Divisional Officer, Dharmapuri, on 28.03.2013, which was challenged by filing WP.No.17303 of 2013. By order dated 10.10.2013, the said writ petition was disposed of, by setting aside the order passed by the Revenue Divisional Officer and remitting the matter for fresh consideration. Pursuant to the said direction, the Revenue Divisional Officer conducted enquiry and rejected the claim of the petitioner for the second time, by order dated 25.02.2014. Challenging the said rejection order, the petitioner filed Contempt Petition No.1025 of 2014, during the pendency of which, the Revenue Divisional Officer, Dharmapuri, passed an order on 09.09.2014, rejecting the application of the petitioner. The said rejection order was put to challenge in WP.No.1257 of 2015. This court, by order dated 07.10.2015, set aside the said order and remanded the matter to the Revenue Divisional Officer, Dharmapuri for reconsideration. However, the claim of the petitioner was again rejected, on 14.12.2016, which was questioned by the petitioner by filing an appeal to the Collector, Dhamapuri, who also rejected the same, by order dated 24.07.2019. Aggrieved over the same, the petitioner preferred a second appeal on 11.11.2019 to the respondent. While so, the respondent after conducting enquiry, passed an order dated 24.03.2020 to the effect that the claim of the petitioner's brother L.Moorthi is genuine and he belongs to Kurichchan (ST) community and based on the same, the Revenue Divisional Officer also issued community certificate to the children of the petitioner's brother. Now, the petitioner was called for enquiry to be held on 20.03.2020 by the first respondent. However, till date, the said enquiry was not completed. Therefore, this writ petition.

3.Heard the learned counsel for the petitioner, who submitted that the petitioner has already made representations dated 24.12.2021 and 16.03.2022 to the respondent requesting to complete the enquiry and issue community certificate to him as well as his children. However, the said request was not considered, till date. Therefore, the learned counsel prayed for appropriate direction to the respondent in this regard.

4.On the other hand, the learned Additional Government Pleader, taking notice for the respondent, fairly submitted that the representations of the petitioner would be considered and appropriate orders be passed, on merits, within a time frame to be stipulated by this court.



5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court, without going into the merits of the claim projected by the petitioner, directs the respondent/Committee to consider the petitioner's representations dated 24.12.2021 and 16.03.2022 and pass orders, on merits and in accordance with law, affording an opportunity of personal hearing to the petitioner, 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.

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

Sd/-  
Vacation Officer

//True Copy//

Sub Assistant Registrar

AP

To

The Chairman  
The Tamil Nadu State Level Scrutiny Committee,  
Adi Dravidar and Tribal Welfare Department,  
Namakkal Kavingar Maligai,  
Secretariat,  
Chennai - 600 009.

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.31110  
+lcc to the Government Pleader, S.R.No.31277

WP.No.12100/2022

BR(CO)  
SB(02/06/2022)