



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2022

CORAM :

THE HON'BLE MR.JUSTICE R.MAHADEVAN

AND

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.No.12165 of 2022

& WMP.No.11615 of 2022

G.Kaliappan

.. Petitioner

Vs.

1.The Sub-Collector

Tirupattur District, Tirupattur.

2.The Collector, Collectorate,

Government Garden,

Thirupattur-635601.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records relating to Na.Ka.A/1146-5/2021 dated 18.10.2021 passed by the 1st respondent, quash the same and to consequently direct the respondents to issue ST Kurumans Community certificates to the petitioner's children viz. K.K.Rohit and K.Pavithra.

For Petitioner

: Ms.K.Nithyashree

For Respondents

: Mr.S.Prabakaran,
Government Advocate

ORDER

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

Mr.S.Prabakaran, learned Government Advocate accepts notice for the respondents. By consent, this writ petition is taken up for final disposal at the time of admission itself.

2. The above writ petition has been filed seeking to quash the order dated 18.10.2021 passed by the first respondent and to direct the respondents to issue community certificate to the petitioner's children viz., K.K.Rohit and K.Pavithra.



3. According to the petitioner, he belongs to Kurumans community which is classified as Scheduled Tribe Community. He applied for community certificate for his children on 08.11.2016. Upon receipt of the same, the Revenue Inspector, Natrampalli was directed to enquire into the same and file a report. Accordingly, enquiry was conducted and a recommendation was made for issuing such certificate to the petitioner's children. Despite the same, no certificate was issued to them, which compelled the petitioner to file WP.No.26755 of 2018 and the said writ petition was disposed of by directing the first respondent to issue ST Kurumans community certificate to the petitioner's children. However, the respondent authorities filed Review, which was dismissed. Subsequently, they went to the Hon'ble Apex Court by filing CA Nos.481-490 of 2021, which were partly allowed by directing the Revenue Divisional Officer to decide the question of issue of ST certificate of the applicants, within a period of two months. Pursuant to the same, the petitioner was called for enquiry on 12.08.2021, however, his claim was rejected by the first respondent by order dated 18.10.2021. Aggrieved over the same, the petitioner preferred an appeal dated 28.01.2022 before the second respondent, which is pending. Therefore, this writ petition.

4. The learned counsel for the petitioner, during the course of argument, restricted the relief sought herein and submitted that it would suffice if a direction is issued to the second respondent to dispose of the appeal dated 28.01.2022 filed by the petitioner, on merits, for which, the learned Government Advocate appearing for the respondents has no serious objection.

5. Considering the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this court directs the second respondent to consider the appeal filed by the petitioner seeking issuance of ST Kurumans community certificate to his children and pass appropriate orders, on merits and in accordance with law, after 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.

6. Accordingly, this writ petition stands disposed of. Consequently, the connected WMP is closed. There will be no order as to costs.

Sd/-
Vacation Officer

//True copy//

Sub Assistant Registrar



RS

To

1.The Sub-Collector,
Tirupattur District,
Tirupattur.

2.The Collector, Collectorate,
Government Garden,
Thirupattur-635601.

+1cc to Ms.K.Nithyashree, Advocate SR.No.31103

+1cc to Government Pleader SR.No.31316

W.P.No.12165 of 2022
& WMP.No.11615 of 2022

KV (CO)
GMY (25/05/2022)