



W.P.No.29473 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.29473 of 2022
and W.M.P.No.28820 of 2022

L.Vincent

.... Petitioner

-Vs-

1.The District Collector
Tiruvallur District, Master Plan Complex
NH 205, Tiruvallur District 600 201.

2.The Tahsildar
Avadi Taluk, Chennai 600 054.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for all the records which culminated in the letter made by 2nd respondent Tahsildar in Na.Ka.No.744/2022/A3 dated 20.07.2022 and quash the same and further direct the 1st and 2nd respondents to issue No Caste Christian Certificate to the petitioner.

For Petitioner : Mr. J.Chelladurai Caldwell

For Respondents : Mr.T.K.Saravanan,
Government Advocate



W.P.No.29473 of 2022

ORDER

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The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for all the records which culminated in the letter made by 2nd respondent Tahsildar in Na.Ka.No.744/2022/A3 dated 20.07.2022 and quash the same and further direct the 1st and 2nd respondents to issue No Caste Christian Certificate to the petitioner.

2. The petitioner made an application to the second respondent and sought for No Caste certificate and the same since was rejected by the second respondent on 20.07.2022. He has also given an appeal representation on 30.05.2022 to the first respondent / District Collector and the same is pending. However, the petitioner since has not got any order in the said appeal from the first respondent before whom it was pending from the first week of June 2022, the petitioner has approached this Court by filing the present writ petition.

3. Heard Mr.J.chelladurai Caldwell learned counsel for the petitioner and Mr.T.K.Saravanan, learned Government Advocate appearing for the respondents.

4. Learned Government Advocate submits that, as against the order passed by the Tahsildar refusing to grant No Caste Certificate, appeal remedy is available to the petitioner, where he can prefer an appeal to the first respondent



W.P.No.29473 of 2022

/ District Collector and it has been reiterated in the Division Bench judgment of this Court in W.P.No.8167 of 2017 (M.Subramanian -Vs- The Revenue Divisional Officer) dated 24.07.2017, where the learned Government Advocate relies upon the following part of the order.

" 17. Be that as it may, in view of the fact that the present Writ Petition viz., W.P.No.8167 of 2017 is filed by the Petitioner assailing the Impugned Order of the Respondent / Revenue Divisional Officer, Dharmapuri dated 21.10.2016 rejecting his request for issuance of Community Certificate to his wards and also this Court taking note of the tenor and spirit of the G.O.(Ms).No.235 Revenue [RA3(2)] Department dated 26.06.2015 and also looking into the contents of G.O.(Ms).No.147 Revenue [RA-3(2)] Department dated 17.03.2016, is of the considered view that the amended G.O.(Ms).No.147 Revenue [RA-3(2)] Department dated 17.03.2016 issued by the Secretary to Government of Tamilnadu provides for an 'Appeal' remedy to the District Collector (as an Appellate Authority) and thereafter, to the State Level Scrutiny Committee (For Redressal of Grievances) and therefore, in all Fairness, Equity and Fair play this Court, directs the Petitioner to prefer an Appeal before the District Collector, Dharmapuri, as against the impugned order of the Respondent dated 21.10.2016 within a period of two weeks from the date of receipt of a copy of this Order. Liberty is granted to the Petitioner to raise all factual and legal pleas by



W.P.No.29473 of 2022

enclosing necessary documents to support her case before the Appellate Authority / District Collector, Dharmapuri. In such event of the Petitioner preferring an Appeal, (of course, well within the time adumbrated by this Court) it cannot be gainsaid that the Appellate Authority, viz., District Collector, Dharmapuri, is to provide an adequate opportunity of hearing to the Petitioner by adhering to the 'Principles of Natural Justice' in true letter and spirit."

6. Relying upon the same, the learned Government Advocate would submit that, since appeal remedy is available to the petitioner and he also has made an appeal representation dated 30.05.2022, let him pursue the said appeal and get an order from the first respondent / District Collector on merits and in accordance with law.

7. I have considered the submissions made by the learned counsel appearing for both sides and have perused the materials placed on record.

8. Having regard to the facts and circumstances of the case, where the petitioner already filed an appeal to the first respondent District Collector on 30.05.2022, this Court is inclined to dispose of this writ petition with the following order.



W.P.No.29473 of 2022

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“ That there shall be a direction to the first respondent to consider the appeal representation submitted by the petitioner dated 30.05.2022 against the order of rejection made by the second respondent Tahsildar with regard to the plea of the petitioner to get a No Caste Certificate and decide the same on merits and in accordance with law after giving an opportunity of being heard to the petitioner within a period of six weeks from the date of receipt of a copy of this order.”

9. With the above direction, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

08.11.2022

Index : Yes/No
Internet : Yes/No
KST
To

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W.P.No.29473 of 2022

R. SURESH KUMAR, J.

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W.P.No. 29473 of 2022

08.11.2022