



W.P.Nos.31182 and 31183 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.Nos.31182 and 31183 of 2022

A.Tamilarasi ...Petitioner in W.P.No.31182/2022

G.Annamalai ...Petitioner in W.P.No.31183/2022

Vs.

The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

...Respondent in both the W.Ps

Prayer in W.P.No.31182 of 2022: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondent to issue a community certificate to petitioner and his children namely A.Deepa, A.Ramya and A.Kishore on the basis of ethnographic study report of the Director of Tribal Research Center, M.Palada, Udthagamandalam, The Nilgiris made in R.C.No.107/A2/2021 dated 28.10.2021 and community certificate issued to own sister's children community certificate Nos.286400, 286401, 286403 & 286404 dated 13.08.2014 within a stipulated time.



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Prayer in W.P.No.31183 of 2022: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondent to issue a community certificate to petitioner and his children namely A.Udaya, A.Archana and A.Sumithra on the basis of ethnographic study report of the Director of Tribal Research Center, M.Palada, Udhagamandalam, The Nilgiris made in R.C.No.107/A2/2021 dated 28.10.2021 within a stipulated time.

For Petitioner : Mr.N.Naganathan

For Respondent : Mr.M.Muthusamy,
Government Advocate

ORDER

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

The prayer in the writ petition in W.P.No.31182 of 2022 reads as follows:-

To direct the respondent to issue a community certificate to petitioner and his children namely A.Deepa, A.Ramya and A.Kishore on the basis of ethnographic study report of the Director of Tribal Research Center, M.Palada, Udhagamandalam, The Nilgiris made in R.C.No.107/A2/2021 dated 28.10.2021 and community certificate issued to own sister's children community



certificate Nos.286400, 286401, 286403 & 286404 dated 13.08.2014 within a stipulated time.

The prayer in the writ petition in W.P.No.31183 of 2022 reads as follows:-

To direct the respondent to issue a community certificate to petitioner and his children namely A.Udaya, A.Archana and A.Sumithra on the basis of ethnographic study report of the Director of Tribal Research Center, M.Palada, Udthagamandalam, The Nilgiris made in R.C.No.107/A2/2021 dated 28.10.2021 within a stipulated time.

2. Since we found that there was non-compliance with the order of this Court made in W.P.Nos.24777 of 2014 etc., batch, we had required the Revenue Divisional Officer, Thiruvannamalai to be present in Court.

3. Mrs.R.Manthagini, Revenue Divisional Officer, Thiruvannamalai is present in Court.



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4. She had produced the copies of the orders that have been passed on 22.02.2021 and 10.05.2021 rejecting the request of the petitioners for grant of certificate to the effect that they belong to Kattunayakkan community, a Scheduled tribe. She would claim that the orders have been sent to the petitioners by ordinary post and the despatch register maintained by the office has been produced.

5. We are unable to accept the claim that the orders have been served on the petitioners. Being an appealable orders, within a time frame, there should be proof for service at least to enable the appellate Authority to calculate the limitation. In the absence of any acknowledgement or proof of service, we are unable to accept the claim of the Revenue Divisional Officer that these orders have been served on the respective petitioners.

6. The learned Government pleader appearing for the respondent Revenue Divisional Officer is directed to handover the certified copy of these two orders dated 22.02.2021 and 10.05.2021 to the learned counsel for the petitioners in the course of the day. The petitioners will have 30 days time



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from today to file appeals as provided under the Government Order in G.O.Ms.No.147 to the District Collector, Thiruvannamalai. If appeals are filed within 30 days from today, the District Collector is directed to entertain the appeals without raising the question of limitation and dispose of the same on merits.

7. Accordingly, these writ petitions are disposed of. No costs.

(R.S.M.,J.) (K.B.,J.)
28.11.2022

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Index : No
Internet : Yes
Speaking order

To:-

The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.



WEB COPY



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R.SUBRAMANIAN, J.
and
K.KUMARESH BABU, J.

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