



W.P.No.33385 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 15.12.2022

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**  
**and**  
**THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

**W.P.No.33385 of 2022**  
**and**  
**W.M.P.No.32814 of 2022**

V.Samburanam

.. Petitioner

**Vs.**

The Sub Collector  
Tirupattur

Tirupattur District 635 601.

.. Respondent

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in the order bearing No.Na.Ka.A2/050/2022 dated 31.03.2022 passed by the respondent and quashing the same and directing the respondent to issue “Kurumans” Scheduled Tribe Community Certificates to the petitioner's children viz., V.Kamalakkannan and V.Dharani.

For Petitioner : Mr.M.Radhakrishnan

For Respondent : Mr.A.Selvendran  
Special Government Pleader

**ORDER**



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(Order of the Court was delivered by V.M.VELUMANI, J.)

The present writ petition is filed for issuance of a Writ of

Certiorarified Mandamus, calling for the records in the order bearing No.Na.Ka.A2/050/2022 dated 31.03.2022 passed by the respondent and quashing the same and directing the respondent to issue “Kurumans” Scheduled Tribe Community Certificates to the petitioner's children viz., V.Kamalakkannan and V.Dharani.

2. Heard the learned counsel appearing for the petitioner and learned Special Government Pleader appearing for the respondent and perused the entire materials on record.

3. The petitioner claims that she belongs to Kurumans Community, which is a Scheduled Tribe Community. She made an application dated 11.01.2015 to the respondent for issuance of 'Kurumans' Scheduled Tribe Community Certificates to her children V.Kamalakkannan and V.Dharani based on the community certificate of her brother Thippannan. Her application was rejected by the respondent by the order dated 31.03.2022 on the ground that the petitioner belongs to Hindu-Kurumbar (MBC). Hence, the petitioner has come out with the present writ petition



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challenging the order of rejection.

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4. The learned counsel appearing for the petitioner submitted that the petitioner made an application on 11.01.2015 enclosing all the required certificates for issuance of 'Kurumans' Scheduled Tribe Community Certificates to her children V.Kamalakaran and V.Dharani as her brother was issued with Kurumans ST Community Certificate. The learned counsel appearing for the petitioner also submitted that once certificates of close relatives are produced, the authority must follow the same and cannot reject on flimsy reason. Since the respondent has not passed any order on the said application, she has filed Writ Petition in W.P.No.28210 of 2021 before this Court. This Court by the order dated 11.01.2022, directed the respondent to complete the enquiry and pass orders on the application of the petitioner within a period of four weeks from the date of receipt of a copy of that order. The learned counsel appearing for the petitioner submitted that in violation of the order passed by this Court dated 11.01.2022 in W.P.No.28210 of 2021, the respondent has passed the present impugned order.

5. The learned counsel appearing for the petitioner also relied on



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the order of the Division Bench of this Court dated 22.04.2016 made in W.P.Nos.17231, 17232, 17495 and 17496 of 2015 and submitted that the guidelines issued by the Division Bench of this Court has not been followed by the respondent while rejecting the application of the petitioner and prayed for setting aside the order of the respondent.

6. Mr.A.Selvendran, learned Special Government Pleader appearing for the respondent submitted that the petitioner filed W.P.No.28210 of 2021 and by the order dated 11.01.2022, this Court directed the respondent to complete the enquiry and pass orders on the application of the petitioner within a period of four weeks from the date of receipt of a copy of that order. As per the order of this Court, the petitioner was called upon for enquiry. In spite of several notices sent to the petitioner calling upon her to appear for enquiry and to produce the documents, she failed to do so. The learned Special Government Pleader appearing for the respondent referred to the impugned order and submitted that the petitioner has already obtained community certificate to her son V.Kamalakaran and daughter V.Dharani as they belong to Hindu-Kurumber (MBC). Further, in the admission register of the petitioner for joining V Standard dated 19.03.1975, she has mentioned



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that she belongs to Kurumber (MBC) Community. The respondent has considered all the materials and rejected the application made by the petitioner by giving valid reason and prayed for dismissal of the writ petition.

7. The learned counsel appearing for the petitioner in reply to the arguments of the learned Special Government Pleader appearing for the respondent, produced the notice dated 20.01.2022 issued by the Revenue Divisional Officer and submitted that the notice issued by the Revenue Divisional Officer calling upon the petitioner to produce the documents are not required for issuance of community certificate to the children of the petitioner and it is not relevant for issuance of community certificate and hence, the petitioner did not appear for enquiry.

8. From the materials available on record, it is seen that the petitioner earlier filed W.P.No.28210 of 2021 for Writ of Mandamus, directing the respondent to decide the application of the petitioner dated 11.01.2015 on merits and in accordance with law within a reasonable time as may be fixed by the Court. This Court by the order dated 11.01.2022 had passed the following order:-



*“5. In the light of the above submissions of the learned counsels and also taking note of the prayer sought for in this writ petition, this Court without expressing any opinion on the merits of the matter; directs the respondent to complete the enquiry and pass orders on the application of the petitioner within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the petitioner shall cooperate the respondent to dispose of the application as directed by this Court.”*

9. From the impugned order, it is seen that inspite of several notices sent to the petitioner, the petitioner did not appear for enquiry and failed to produce the documents to support her claim.

10. The contention of the learned counsel appearing for the petitioner that the notice calling upon the petitioner to appear for enquiry is not in accordance with the guidelines issued by the Hon'ble Apex Court and Division Bench of this Court and hence, the petitioner has not appeared for the enquiry as per the earlier order of this Court dated 11.01.2022, cannot be accepted. This Court by the order dated 11.01.2022 directed the respondent to complete the enquiry and pass orders on the application of the petitioner within a period of four weeks from the date of receipt of a copy of that order. This Court also directed



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the petitioner to cooperate with the respondent to dispose of the application as directed by this Court. From the impugned order it is seen that inspite of number of notices, the petitioner did not appear for enquiry and failed to produce documents to support her claim. The respondent considering all the materials placed before him, rejected the request of petitioner.

11. Further, the impugned order passed by the respondent is an appealable order. The petitioner has not filed any appeal to the District Collector. Without filing appeal, the petitioner has filed the present writ petition before this Court. Therefore, the present writ petition is not maintainable.

12. For the above reason, the writ petition is liable to be dismissed and hereby dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

**(V.M.V., J) (R.H., J)**  
**15.12.2022**

Index : Yes / No  
Internet : Yes / No  
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**V.M.VELUMANI, J.**  
**and**  
**R.HEMALATHA, J.**

dm

To

The Sub Collector  
Tirupattur  
Tirupattur District 635 601.

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