



W.P.(MD)No.23814 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.(MD)No.23814 of 2022

Merina

... Petitioner

Vs.

1. The District Collector,
Tenkasi District, Tenkasi.

2. The Revenue Divisional Officer,
Sankarankovil, Tenkasi District.

3. The Tahsildar,
Sivagiri Taluk, Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to dispose of the petitioner's appeal dated 25.07.2022, within the stipulated time as fixed by this Honble Court, by considering the order dated 21.12.2021 made in WP(MD).No. 21609 of 2021, passed by this Hon'ble Court.

For Petitioner

: Mr.C.Mayil Vahan Rajendran

For Respondents

: Mr.S.P.Maharajan
Special Government Pleader
for R1 to R3



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ORDER

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

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the second respondent to dispose of her appeal dated 25.07.2022, by considering the order of this Court in WP(MD).No. 21609 of 2021, dated 21.12.2021, within a time frame.

2. Heard Mr.C.Mayil Vahan Rajendran, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Claiming that the community of the petitioner and her father was mentioned as 'Hindu Pallar' in their transfer certificates, the petitioner made an online application on 15.09.2021 seeking issuance of the said community certificate, followed by a representation dated 09.11.2021 to the respondents 1 and 3 herein, which was not responded. Therefore, she filed WP(MD) No. 21609 of 2021, seeking issuance of the said community certificate and this Court, *vide* order dated 21.12.2021, directed the respondents to take a final



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decision on the online application submitted by the petitioner on 15.09.2021, followed by the representation dated 09.11.2021 and also directed that the outcome of the decision be conveyed to the petitioner within a period of two weeks from the date of receipt of a copy of that order. Thereafter, the third respondent – Tahsildar, Sivagiri Taluk, by order dated 24.01.2022, had rejected the claim of the petitioner. Against which, the petitioner has filed an appeal dated 25.07.2022 before the second respondent – Revenue Divisional Officer, which is pending without conducting any enquiry. Hence, the petitioner filed this writ petition.

4. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the second respondent to consider her appeal dated 25.07.2022 on merits and in accordance with law, within a time frame.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the second respondent to consider the appeal of the petitioner dated 25.07.2022 and pass



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appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
17.10.2022

Internet : Yes / No
Index : Yes / No
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To

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