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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM:

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

W.P.No.3897 of 2023

B.Vijaya .. Petitioner

Vs.

1.The District Collector,
Thirupatthur District,
Collectorate, Government Garden,
Tirupatthur – 635601.

2.The Revenue Division Officer,
Thirupatthur District,
Collectorate, Government Garden,
Tirupatthur – 635601. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st Respondent to afford an opportunity of personal hearing to the Petitioner to lead her evidence, including the evidence of her brother L.Nagarajan S/o. Lingannan in support of her claim for ST Kurumans community certificate to herself and her family members and consider and pass orders on her appeal dated 19.07.2022 within a time frame stipulated by this Court by issuing ST Kurumans Community Certificate to the petitioner, her daughter B.Ramya and her husband V.Babu.

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For Petitioner : Ms.K.Nithyashree

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

O R D E R

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

The present Writ Petition is filed for a direction to the 1st respondent to afford an opportunity of personal hearing to the petitioner to lead her evidence, including the evidence of her brother L.Nagarajan S/o. Lingannan in support of her claim for ST Kurumans community certificate to herself and her family members and consider and pass orders on her appeal dated 19.07.2022 within a time frame stipulated by this Court by issuing ST Kurumans Community Certificate to the petitioner, her daughter B.Ramya and her husband V.Babu.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.E.Vijay Anand, learned Additional Government Pleader, who takes notice for the respondents, this Writ Petition is taken up for final disposal at the admission stage itself.

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3. Heard Ms.K.Nithyashree, learned counsel appearing for the petitioner as well as Mr.E.Vijay Anand, learned Additional Government Pleader appearing for the respondents and perused the entire materials on record.

4. According to the petitioner, she belongs to Hindu Kurumans Community, which is a Scheduled Tribe Community. The petitioner's paternal uncle's son Sivaraj was issued with ST Kurumans Community Certificate. On the basis of the said certificate, his daughters Rajadharshini and Tejashwini have also obtained ST Kurumans Community Certificate on 04.10.2011.

5. The learned counsel appearing for the petitioner submitted that the petitioner's brother Nagarajan obtained Hindu Kurumans Community Certificate for his children T.N.Atheswar and T.N.Anilesh. Based on the said certificates, the petitioner has applied for ST Kurumans Community Certificate for her daughters B.Nithya and B.Sathya and they were issued with ST Kurumans Community Certificate. Subsequently, her brother Nagarajan applied for ST Kurumans Community Certificate for himself and other brother Sivakumar and his children relying on the Community

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Certificate issued to the petitioner's daughters and they were issued with ST Kurumans Community Certificate. However, the application made by the petitioner for issuance of Community Certificate for herself and her family members was rejected by the Revenue Divisional Officer on 12.07.2022 on the ground that there was no recommendation by the Tahsildar. Aggrieved by the same, the petitioner has filed an appeal dated 19.07.2022 to the District Collector, Thirupathur District/1st respondent herein. Since no order has been passed by the 1st respondent in the said appeal, the petitioner has come out with the present writ petition.

6. The learned counsel appearing for the petitioner submitted that the petitioner's brother Nagarajan and another brother Sivakumar and their children were issued with ST Kurumans Community certificate and the petitioner has enclosed all the certificates issued to the petitioner's brother and their children. In the said circumstances, the petitioner may be given opportunity to examine the witness including her brother Nagarajan.

7. Mr.E.Vijay Anand, learned Additional Government Pleader appearing for the respondents submitted that the appeal filed by the

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petitioner dated 19.07.2022 will be considered by the 1st respondent and orders will be passed in accordance with law within the time limit fixed by this Court.

8. Considering the above submission of the learned counsel appearing for the petitioner and learned Additional Government Pleader appearing for the respondents, nature of relief sought for by the petitioner, the District Collector, Thirupatthur District/1st respondent is directed to consider the appeal filed by the petitioner dated 19.07.2022 after giving opportunity of hearing to the petitioner and pass orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
10.02.2023

Index : Yes / No
Neutral Citation : Yes / No
dm

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V.M.VELUMANI, J.
and
R.HEMALATHA, J.

dm

To

1.The District Collector,
Thirupatthur District,
Collectorate, Government Garden,
Tirupatthur – 635601.

2.The Revenue Division Officer,
Thirupatthur District,
Collectorate, Government Garden,
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