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W.P.No. 10354 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.04.2023**

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI**

W.P.No. 10354 of 2023

G. Sasikumar

... Petitioner

Vs.

1. The Sub-Collector,
Office of the Sub-Collector,
Mettur Dam,
Mettur, Salem District.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Mettur, Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the second respondent to consider the representation dated 23.12.2022 and to issue Kondareddis Community Certificate to his daughter namely S. Shri Varsha and his son namely S. Kanishk Sashank.

For Petitioner : Mr. S. Nagarajan

For Respondents : Mr. A. Selvendran
Special Government Pleader



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ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The writ petition has been filed to direct the second respondent to consider the petitioner's representation dated 23.12.2022 and issue community certificate to his daughter namely S. Shri Varsha and his son namely S. Kanishk Sashank.

2. According to the petitioner, his father applied for community certificate for the petitioner before the Tahsildar, Mettur. After detailed enquiry, the Tahsildar issued the caste certificate to the petitioner on 30.06.1986, certifying that the petitioner belong to the community of Kondareddis, which is classified as Schedule Tribe Community.

3. The petitioner has made an application for granting community certificate to his daughter namely S. Shri Varsha and his son namely S. Kanishk Sashank before the Revenue Divisional Officer/second-respondent, who is the authority to issue the certificate for the scheduled tribe as per the Government Orders. However, the said application is still pending and no orders have been passed. Hence, the petitioner has filed the present Writ Petition.



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4. On the last occasion, when the matter was taken up for hearing, the learned Additional Government Pleader submitted a written communication dated 31.03.2023, sent by the Revenue Divisional Officer to the learned Additional Government Pleader before this Court, wherein it is stated that relying upon the certificate issued in favour of the petitioner's wife's sister, Jayanthi, who does not belong to the Scheduled tribe community, petitioner's application cannot be considered. But, according to the petitioner, no opportunity was given to him to hear him in the matter and further the said copy of communication was also not given to the petitioner. Therefore, this Court had directed the Revenue Divisional Officer to submit explanation before this Court as to on what circumstances the said communication was sent to the learned Special Government Pleader.

5. Today, it has been explained before this Court that it is only a written communication sent to the learned Special Government Pleader but so far no final orders have been passed and subsequently they have issued enquiry notice on 03.04.2023 to the petitioner to appear for the enquiry on 21.04.2023, to submit his explanation and produce the documents before the second respondent. Therefore, if any document is produced by the petitioner during the enquiry satisfying the authority that he belongs to



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Kondareddis Community, the same will be considered appropriately by the second respondent.

6. In view of the submissions made by the parties and recording the submissions of the learned Special Government Pleader, the petitioner is directed to appear for the enquiry on 21.04.2023 before the second-respondent namely the Revenue Divisional Officer and produce all the relevant documents before him and based on such documents furnished by the petitioner, the second-respondent is directed to consider the same on its own merits and in accordance with law, and pass orders as early as possible, within a period of four weeks from the date of enquiry proceedings. The petitioner shall also appear for the enquiry on 21.04.2023 and co-operate without fail.

7. With the above directions, the writ petition stands disposed of. No costs.

(D.K.K., J.) (K.G.T., J.)

05.04.2023

Intex : Yes/No
Internet : Yes/No
mrn

Note: Issue order copy on 10.04.2023

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To

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2. The Revenue Divisional Officer,
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D.KRISHNAKUMAR, J.
and
K.GOVINDARAJAN THILAKAVADI, J.
(mrn)

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