



WEB COPY



W.P.No.15996 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.15996 of 2023

Prabhavathi

... Petitioner

Vs.

1. The District Collector,
Tirupattur District,
Tirupattur 635 601.

2. The Revenue Divisional Officer,
Tirupattur District, Tirupattur 635 601.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to decide the appeal of the petitioner dated 28.01.2023 in accordance with law, within a reasonable time, as may be fixed by this Court.

For Petitioner : Mr.Radhakrishnan
for Mr.R.Rajnikant

For Respondents : Mr.A.Selvendran, Spl.Govt. Pleader



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ORDER

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

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This Writ Petition has been filed to direct the first respondent to decide the appeal of the petitioner dated 28.01.2023 in accordance with law, within a reasonable time, as may be fixed by this Court.

2. The petitioner belonged to Kurumans Community, classified as Scheduled Tribe. Mr.V.Parthasarathy, who is son of petitioner's own sister Kalyani, has been declared by the Three Member District Vigilance Committee, Chennai as he belonged to " Kurumans" Scheduled Tribe, which was confirmed by a Division Bench of this Court, vide order dated 12.09.2008 in W.P.No.21818 of 2008. Since the petitioner's own sister's son Mr.V.Parthasarathy has been declared as he belonged to Kurumans Scheduled Tribe, the petitioner's grand children, namely, P.Parithi and N.Advika are also entitled for declaration that they belonged to Kurumans Scheduled Tribe. Therefore, the petitioner made an application dated 29.03.2019 to the second respondent to issue community certificates to them to the effect that they belonged to Kurumans Scheduled Tribe. But the



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second respondent rejected the application, vide order dated 10.05.2022.

Therefore, the petitioner preferred an appeal dated 28.01.2023 before the first respondent and the same has not been decided by the first respondent till date. Hence the writ petition.

3. The learned counsel for the petitioner submitted that there is an urgency to get the community certificate for the petitioner's grand children's educational purpose. He further submitted that, the petitioner has already appeared for enquiry before the Revenue Divisional Officer and hence, there is no need to give opportunity to the petitioner to appear for enquiry and it is sufficient to direct the first respondent to decide the appeal filed by the petitioner, within a short period.

4. The learned Special Government Pleader, appearing for the respondents submitted that the appeal fled by the petitioner will be considered and appropriate orders will be passed by the concerned authorities on its own merits, within a time frame as fixed by this Court.



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5. Considering the facts and circumstances of the case and also the limited scope of prayer, this Court is inclined to allow the writ petition and accordingly, the first respondent is directed to consider the appeal dated 28.01.2023 filed by the petitioner and pass orders on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

(D.K.K.J.) (P.D.B.J.)
05.06.2023

mst

To

1. The District Collector,
Tirupattur District,
Tirupattur 635 601.
2. The Revenue Divisional Officer,
Tirupattur District, Tirupattur 635 601.



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