



W.P.No.14212 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM:

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

W.P.No.14212 of 2020
and
W.M.P.No.10375 of 2021

M.Ravi

.. Petitioner

Vs.

1.The District Collector,
Dharmapuri.

2.The Revenue Divisional Officer,
Dharmapuri.

3.The Tahsildar,
Nallampalli,
Dharmapuri District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd and 3rd Respondents to dispose of the Petitioner's representations dated 02.06.2006 and 13.08.2012 within a time frame to be fixed by this Court and thereby issue the Petitioner with a Community Certificate to the effect that the Petitioner is a person belonging to Hindu Kurumans Scheduled Tribe community.

For Petitioner : Mr.R.Raja Rajan



WEB COPY



W.P.No.14212 of 2020

For Respondents : Mrs.R.L.Karthika
Government Advocate

ORDER

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

The present Writ Petition is filed for a direction to the respondents

2nd and 3rd to dispose of the petitioner's representations dated 02.06.2006 and 13.08.2012 within a time frame to be fixed by this Court and thereby issue the Petitioner with a Community Certificate to the effect that the Petitioner is a person belonging to Hindu Kurumans Scheduled Tribe community.

2. Heard Mr.R.Raja Rajan, learned counsel appearing for petitioner as well as Mrs.R.L.Karthika, learned Government Advocate appearing for respondents and perused the entire materials on record.

3. According to the petitioner, the petitioner's father and forefathers are resident of Bandahalli Village Panchayat, Nallampalli Panchayat Union, Dharmapuri District and they belong to Hindu Kurumans Scheduled Tribe Community. According to the petitioner, in the National Population Register (NPR) the petitioner and his family members were shown that they belong to Scheduled Tribe Community. In view of 917



W.P.No.14212 of 2020

Scheduled Tribe Community people residing in that area, the post of Panchayat President is reserved for Scheduled Tribe representatives. The petitioner's father by representation dated 02.06.2006 made an application to the 3rd respondent for issuance of Community Certificate to the petitioner and his brother. The 3rd respondent did not consider the same. Thereafter, the petitioner made a representation dated 13.08.2012 to the 2nd respondent for issuance of Community Certificate. Since no orders has been passed on the representation of the petitioner, the petitioner has come out with the present writ petition.

4. Mr.R.Raja Rajan, learned counsel appearing for the petitioner submitted that petitioner contested for the post of Bandahalli Panchayat President of Nallampalli Panchayat Union and he was elected as President. He further submitted that one S.Thangaraj has filed W.P.No.660 of 2020 for a direction not to permit the petitioner herein to function as Bandahalli Panchayat President of Nallampalli Panchayat Union. This Court by the order dated 06.02.2020, granted interim injunction restraining the petitioner from functioning as Panchayat President. In view of the non-consideration of application of petitioner for issue of Hindu Kurumans Scheduled Tribe Community Certificate, the



W.P.No.14212 of 2020

petitioner is not able to continue his post as Panchayat President even after successful in the election. In such circumstances, the petitioner prayed for a direction to the respondents 2 and 3 to consider his representations dated 02.06.2006 and 13.08.2012.

5. Mrs.R.L.Karthika, learned Government Advocate appearing for the respondents submitted that the petitioner may be directed to give a fresh representation enclosing all the certificates to prove that he belongs to Hindu Kurumans Scheduled Tribe Community and the same will be considered within the time stipulated by this Court.

6. Considering the above submission of the learned counsel appearing for the petitioner and learned Government Advocate appearing for the respondents, the petitioner is directed to submit a fresh representation enclosing all the documents and also the earlier representations dated 02.06.2006 and 13.08.2012 within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the 2nd respondent is directed to consider the same after giving opportunity of hearing to the petitioner and pass orders on merits and in accordance with within a period of four weeks, thereafter.



W.P.No.14212 of 2020

WEB COPY

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

8. The learned counsel appearing for the impleading proposed 4th respondent requested this Court that the matter may be disposed of after giving opportunity of hearing to him. This Court cannot grant any opportunity of hearing to the proposed 4th respondent for the reason that in the present case on hand, the petitioner was not issued community certificate due to which even after selection, he could not continue his post as Panchayat President. Therefore, the proposed 4th respondent has no *locus standi* to oppose the grievance of the petitioner. Therefore, W.M.P.No.10375 of 2021 is dismissed.

(V.M.V., J) (R.H., J)
02.02.2023

Index : Yes / No
Neutral Citation : Yes / No

dm

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



W.P.No.14212 of 2020

dm

To

WEB COPY

- 1.The District Collector,
Dharmapuri.
- 2.The Revenue Divisional Officer,
Dharmapuri.
- 3.The Tahsildar,
Nallampalli,
Dharmapuri District.

W.P.No.14212 of 2020

02.02.2023