



WEB COPY



W.P.No.19763 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

W.P.No.19763 of 2023

Thabitha Maitri

... Petitioner

Vs.

1. The Chief Secretary to Government,
Secretariat, Government of Puducherry,
Puducherry.
2. The Special secretary (Revenue) cum
District Collector, Puducherry,
Vazhudhavur Road, Pettiyansathiram,
Puducherry - 605 009.
3. The Deputy Collector (Revenue) South,
II Floor, Revenue Complex,
Villianur, Puducherry.
4. The Tahsildar,
Taluk Office, Ground Floor,
Revenue Complex, Villianur,
Puducherry.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus to direct the 3rd respondent to dispose of the
Appeal dated 01.08.2022 made by the petitioner in the light of the



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observation made by the Hon'ble Supreme Court at paragraph 48 to 55 of the Judgment in Rameshbhai Dabhai Naika Vs. State of Gujarat & Ors case reported in 2012 (3) SCC 400 by conducting a proper enquiry within a time stipulated by this Court.

For Petitioner : Mr.S.Meenakshi

For Respondent : Mr.Ramasamy Meyappan,
Government Advocate (Pondy)

ORDER

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The limited prayer sought for in this Writ Petition is for a direction to the third respondent herein to dispose of the appeal preferred by the petitioner dated 01.08.2022 within a stipulated time.

3. According to the petitioner, she was born out of inter-caste marriage on 15.12.1996. Her parents' marriage was a love marriage. Her father belongs to OBC community called Parkavakula Udiyar and mother belongs to OBC community called Parvatharajakulam. The marital relationship of her parents broke down and a decree of divorce was also granted by the Family Court at Pondicherry. Her mother was given full custody of the petitioner and till now she is maintained by her mother. The petitioner requested for community certificate consisting of her



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mother's community, Parvatharajakulam. The 4th respondent rejected her application. Therefore, she filed appeal before the 3rd respondent, which is still pending. The only grievance of the petitioner is that the 3rd respondent has not considered the said appeal so far.

4. In view of the limited prayed sought for by the petitioner, without expressing any view on the merits of the claim made by the petitioner, we direct the 3rd respondent to pass orders on the appeal dated 01.08.2022, on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner and also in the light of the judgment reported in **2012 (3) SCC 400 (Rameshbhai Dabhai Naika Vs. State of Gujarat & Ors)**. Such exercise shall be done by the 3rd respondent within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs.

(J.N.B,J.) (N.M., J.)
05.07.2023

Index : Yes / No
Internet : Yes
vsi



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J. NISHA BANU, J.
and
N.MALA,J.

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