



W.P.No. 31615 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

CORAM

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

W.P.No. 31615 of 2023

Selvaraj

... Petitioner

Vs

1. The District Collector

O/O District Collector,

Kallakurichi District.

2. The Revenue Divisional Officer

O/O The Revenue Divisional Officer,

Kallakurichi District.

3. The Tahsildar

O/O. Sankarapuram Tahsildar Office,

Sangarapuram,

Kallakurichi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to consider and issue Scheduled Tribes Community Certificate in pursuant to petitioner's appeal dated 14.09.2023.



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For Petitioner : Mr.P.Muthamizhselvakumar

For Respondents : Mrs. Mythreyechandru for R1 to R3
Special Government pleader

ORDER

(Order of the Court was made by J.Nisha Banu,J)

This writ petition has been filed to direct the 1st respondent to consider and issue Scheduled Tribes Community Certificate in pursuant to petitioner's appeal dated 14.09.2023.

2. The case of the petitioner is that he has two sons namely Sathish and Danush and they belong to “Hindu Malaikuravar community” which is recognized as Scheduled Tribe. His elder son Sathish was unable to continue his higher studies due to non-availability of community certificate. On the other hand, his younger son Danush had joined Engineering course but the college authority discontinued him due to Non- Production of the Community Certificate. Hence, the petitioner made a representation dated 16.02.2022 for issuance of Community



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Certificate to the 1st respondent and the same was forwarded to the 2nd respondent for further action. Since no action was taken by the 2nd respondent, the petitioner preferred a writ petition in W.P.No.22966 of 2023, to direct the respondents to issue community certificate based on his representation dated 16.02.2023. In the meanwhile, the 2nd respondent had passed the order of rejection vide his proceedings in Na.Ka,A7/2326/2023 dated 04.09.2023. Therefore, this Court vide order 20.10.2023 had dismissed the Writ Petition No.22966 of 2023 stating that *"the petitioner is directed to challenge the rejection order, if he is so aggrieved in the manner known to law."*

3. Pursuant to the said order, the petitioner had preferred an appeal dated 14.09.2023 before the 1st respondent, challenging the rejection order dated 04.09.2023, passed by the 2nd respondent. Since no action has been taken by the 1st respondent, he filed the present Writ Petition.

4. Learned Special Government Pleader appearing for the respondents would submit that the appeal preferred by the petitioner



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before the 1st respondent is pending for consideration and she would state that the same would be disposed of within the time frame fixed by this Court.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. Considering the facts and circumstances of the case, without advertng into the merits of the case, The District Collector, Kallakurichi/1st respondent is directed to dispose of the appeal filed by the petitioner dated 14.09.2023 within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ petition is disposed of. No costs.

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

Index : Yes / No
Internet : Yes/No
Speaking order : Non-speaking order
msv

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To

1. The District Collector

O/O District Collector, Kallakurichi District.

2. The Revenue Divisional Officer

O/O The Revenue Divisional Officer, Kallakurichi District.

3. The Tahsildar

O/O. Sankarapuram Tahsildar Office, Sangarapuram,
Kallakurichi District.



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

msv

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