



W.P(MD)No.15912 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.15912 of 2023
and
W.M.P(MD)No.13333 of 2023**

M.Meenakshi

... Petitioner

-VS-

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

3. The Thasildar,
Thiruchuli Taluk,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order in Na.Ka.A5/10356/2021 dated 24.04.2023 issued by the 2nd respondent, quash the same as illegal and



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consequently directing the 2nd respondent herein to issue Hindu ST-Kattunayakkan Community Certificate to the petitioner's children namely, Subashini, Subitha and Sujin on surrendering the MBC-Thottianayakkar Community Certificate Nos.4930100 and 6B6D6F8C6A687C86 issued to Subashini and Subitha within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Saravanakumar

For Respondents : Mr.J.K.Jayaseelan, Government Advocate

ORDER

[Order of the Court was made by D.BHARATHA CHAKRAVARTHY, J.]

This writ petition is filed challenging the order dated 24.04.2023 passed by the 2nd respondent, in and by which, the application made for and on behalf of the petitioner for issuance of community certificate certifying that the petitioner belongs to Kattunayakkan Community stands rejected.

2. It can be seen that by G.O(Ms)No.147, Revenue Department, dated 17.03.2016, the Government had issued orders constituting appellate authorities in respect of issuance of community certificates.



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In respect of Scheduled Tribe Community Certificate being considered by the issuing authority namely, Revenue Divisional Officer, the appellate authority shall be the District Collector.

3. It is relevant to extract below the aforesaid G.O:-

"ABSTRACT

Revenue Administration – Certificates – Issue of Community Certificates – Providing appellate authority – Redressal of Grievances for Scheduled Tribes – Amendment – Orders – Issued.

REVENUE [RA-3(2)] Department

G.O(Ms)No.147

**Dated : 17.03.2016
Panguni, 4
Thiruvalluvarandu 2047**

Read :

- 1. G.O.(2D) No.108, Adi-Dravidar and Tribal Welfare Department, dated 12.09.2007.**
- 2. G.O(Ms)No.235, Revenue Department, dated 26.06.2015.**
- 3. From Additional Advocate General-III, Tamil Nadu, Madurai Bench of Madras High Court, Letter Roc. 38-1/AAG-IV/2016, dated 01.03.2016.**

ORDER:

In the Government Order second read above, orders were issued creating appellate authority for issue of community



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Sl. No.	Community	Issuing Authority	Appellate Authority	Redressal of Grievances
1	Backward Classes/Most Backward Classes/ Denotified Communities	Zonal Deputy Tahsildar	Tahsildar	District Collector
2	Scheduled Castes	Tahsildar	Revenue Divisional Officer	District Collector
3	Scheduled Tribes	Revenue Divisional Officer	District Collector	District Collector & Chairman District Level Vigilance Committee

2. In the letter 3rd read above, the Additional Advocate General-III has stated that while dealing with W.P(MD)No. 3708/2016 filed by Thiru.Karuppiah, the Division Bench of Madurai High Court took exception to the clarification that in case of Scheduled Tribes the person aggrieved on the orders of rejection by the Appellate Authority, namely, the District Collector may approach the District Collector and Chairman, District Level Vigilance Committee. He has also stated that the Hon'ble Court has observed that, it would be appropriate to provide a revision chance to the State Level Vigilance Committee for those candidates whose appeal was rejected by the appellate authority viz the concerned District Collector as only the State Level Vigilance Committee is



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vested with the power of verifying the community certificate issued to a Scheduled Tribe and hence competent to decide the correctness of the order of rejection passed by the competent Appellate authority viz. concerned District Collectors.

3. In the light of the observation made by the Hon'ble Madurai Bench of Madras High Court pointed out by the Additional Advocate General-III, the Government have examined the issue and after careful consideration hereby orders the following amendment to G.O(Ms)No.235, Revenue Department, dated 26.06.2015:-

AMENDMENT

In the said Government Order in paragraph 4, in the Tabular column, for Serial Number 3 and the entries relating thereto, the following shall be substituted, namely:-

"3	Scheduled Tribes	Revenue Divisional Officer	District Collector	State Level Scrutiny Committee"
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4. This order issues with the concurrence of the Adi-Dravidar and Tribal Welfare Department vide its U.O.No.3075/CV1/2016, dated 17.03.2016

(By Order of the Governor)

R.Venkatesan
Secretary to Government"



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4. Therefore, when the petitioner has efficacious alternative remedy of appeal especially, when the petitioner is challenging the rejection order on the factual matrix about the grant of community certificate to one of her siblings, it would be appropriate that the petitioner files an appeal before the District Collector and the petitioner will be at liberty to raise all the contentions that are raised before us and the same shall be independently considered by the appellate authority namely, the District Collector.

5. In the result, the Writ Petition shall stand disposed of, however, with liberty to the petitioner to file appeal before the District Collector, Virudhunagar District, within a period of two weeks from the date of receipt of a copy of this order and upon the said appeal being filed, the same shall be filed considered and disposed of on merits and in accordance with law within a period of two months thereafter, after giving an opportunity of personal hearing to the petitioner. No costs. Connected miscellaneous petition is closed.

[S.V.N., J.]

[D.B.C., J.]

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Index : Yes / No
Neutral Citation : Yes / No
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