



W.P.(MD)No.14298 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.14298 of 2022

R.Muthammal

... Petitioner

Vs.

1.The Chairman,
State Level Scrutiny Committee,
Secretary to Government,
Adi Dravidar Tribal Welfare Department,
Secretariat, Chennai.

2.The District Collector,
Kanyakumari.

3.The Revenue Divisional Officer,
Nagarkovil.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent proceedings in M.P(21)6/6702/2017, dated 15.07.2019 and consequently impugned order passed by the 2nd respondent proceedings in Na.Ka.No. 4/29663/2019, dated 07.07.2020 and quash the same as illegal and arbitrary and consequently directing the 3rd respondent to issue



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community certificate Hindu Kattunayakkan Scheduled Tribe (S.T) certificate to the petitioner son namely R.Tangamariappan and the daughter R. Tamilarasi within a time frame that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Palanichamy

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

The Writ Petition is filed challenging the impugned order passed by the 3rd respondent in டி.பி(அ)6/6702/2017, dated 15.07.2019 and the consequently impugned order passed by the 2nd respondent in ந.க.எண்.ஜே4/29663/2019, dated 07.07.2020.

2. The case of the petitioner is that she belonged to “Kattunayakkan” community, which falls under the category of Scheduled Tribes. When an application was submitted before the third respondent seeking Schedule Tribes Community Certificates to her son and daughter, the third respondent passed an order rejecting the request of the petitioner on the ground that the petitioner has not proved his



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community status. As against the order of the third respondent, the petitioner has preferred a revision before the second respondent. The second respondent by order dated 07.07.2020, which is impugned in the Writ Petition, rejected the revision of the petitioner on the ground that since the petitioner belongs to a different district she is not entitled to apply for community certificate in Kanyakumari District. Aggrieved by the same, the petitioner has preferred the Writ Petition.

3. The Writ Petitioner has also submitted an appeal dated 18.01.2021 before the first respondent, namely, the State Level Scrutiny Committee. When the Appeal was taken up on file and records were called from the respondents, the petitioner has moved the Writ Petition.

4. The petitioner has an effective alternative remedy of appeal before the State Level Scrutiny Committee in terms of G.O.(Ms) No.147, Revenue [RA-3(2)] Department, dated 17.03.2016. Therefore, the Writ Petition is dismissed, however, giving liberty to the petitioner to prosecute the said Appeal filed by the petitioner before the State Level Scrutiny Committee, the first respondent herein. The first respondent is



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directed to consider the same and pass appropriate order after affording sufficient opportunity to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[S.S.S.R., J.] [D.B.C., J.]
18.07.2023

NCC : Yes / No

Index : Yes / No

sj

To

1.The Chairman,
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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

sj

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