



W.P.(MD) No.152 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.152 of 2023

K.Balasubramanian

... Petitioner

-Vs-

1.The Chairman State Level Scrutiny Committee,
Secretary to Government Adi Dravidar
Tribal Welfare Department,
Secretariat, Chennai-9.

2.The District Collector,
Kanyakumari.

3.The Revenue Divisional Officer,
Nagerkovil, Kanyakumari District.

... Respondents

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PRAYER: Petition filed under Article 226 of the 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 in his proceedings in Na.Ka.No.A6/2596/2010(1), dated 12.03.2018 and subsequently, impugned order passed by the 2nd respondent in his proceedings in Na.Ka.J4/14843/2018, dated 10.01.2019, quash the same and consequently, direct the 2nd respondent to issue the Hindu Kattunayakkan Scheduled Tribe Community Certificate to the petitioner's son, namely, B.Krishnakumar and daughter, namely, B.Shalini on the basis of the Anthropology report dated 21.08.2017.

For Petitioner : Mr.V.Palanichamy

For Respondents : Mr.M.Sarangan,

Additional Government Pleader

ORDER

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

Challenging the orders of the 3rd and 2nd respondents dated 12.03.2018 and 10.01.2019, rejecting the claim of the petitioner, seeking Community Certificate to his son and daughter, this Writ Petition is filed, with a consequential direction to the 2nd respondent to issue Community Certificate to the petitioner's son and daughter on the basis of the Anthropology report dated 21.08.2017.

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2.Mr.M.Sarangan, learned Additional Government Pleader takes notice for the respondents.

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

4.According to the petitioner, he belongs to Hindu Kattunayakkan Community and made an application on 26.04.2010, seeking Community Certificate to his son and daughter, namely, B.Krishnakumar and B.Shalini before the 3rd respondent. The 3rd respondent without perusing the documents annexed in the application and without giving any opportunity of hearing to the petitioner, rejected the petitioner's application vide order dated 12.03.2018. Challenging the same, he preferred an appeal before the 2nd respondent on 02.04.2018 and the 2nd respondent has also rejected the appeal filed by the petitioner vide order dated 10.01.2019. Challenging the said orders, the petitioner has also preferred an appeal dated 19.03.2019 before the 1st

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respondent and the same is still pending. Finding inaction on the part of the official respondents, this Writ Petition is filed with the aforesaid prayer.

5.The learned Additional Government Pleader for the respondents submitted that since the appeal preferred by the petitioner is pending before the 1st respondent, the instant Writ Petition is not maintainable.

6.In view of the above, we are of the view that when the petitioner has preferred an appeal before the 1st respondent, seeking Community Certificate to his son and daughter and the same is pending for consideration, this Writ Petition cannot be entertained. However, considering the urgency of the petitioner for getting Community Certificate, we are inclined to direct the 1st respondent to consider the petitioner's appeal dated 19.03.2019 and pass appropriate orders on its own merits and in accordance with law, after providing sufficient opportunity of hearing to all the parties concerned. Such an exercise shall be completed as early as possible, preferably, within a period of four months from the date of receipt of a copy of this order



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

[D.K.K., J.] & [R.V., J.]
04.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

MYR

To

1. The Chairman State Level Scrutiny Committee,
Secretary to Government Adi Dravidar
Tribal Welfare Department,
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2. The District Collector,
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