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WP.No.7512/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.7512/2022 & WMP.No.7516/2022

M.Vennila

... Petitioner

Vs.

1.The Revenue Divisional Officer
Harur Taluk, Dharmapuri District.

2.The Tahsildar
Harur Taluk, Dharmapuri District.

3.The Tahsildar
Thandrapattu Taluk
Tiruvannamalai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.3605/2021/a5 dated 11.03.2022 and quash the same and consequently remand back tot he 1st respondent to hold fresh enquiry in accordance with law.

For Petitioner

: Mr.L.P.Shanmugasundaram



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For Respondents : Mr.M.R.Gokul Krishnan

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The present writ petition has been filed for issuance of a writ of certiorarified mandamus, to quash the impugned order passed by the 1st respondent dated 11.03.2022 and consequently, to remit the matter to the 1st respondent to hold fresh enquiry relating to the petitioner's claim for issuing community certificate.
- (2)Brief facts that are necessary for the disposal of this writ petition are as follows.
- (3)The petitioner states that she is a native of Dharmapuri District and she migrated to Tiruvannamalai District. Though the petitioner is a native of a village called "Madthikulampatti", Harur Taluk, Dharmapuri District and her forefathers were the native of the same village in Dharmapuri District, the petitioner states that she was given in marriage in Tiruvannamalai. Since the petitioner was eligible to get Community Certificate from her native village, the petitioner applied for the same. The petitioner and few others were given community certificate showing them as "Kuravan". The



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said certificate was cancelled by proceedings dated 30.10.2021. When the petitioner challenged the order of Revenue Divisional Officer, Harur, before this Court by filing a writ petition in WP.No.25021/2021, this Court quashed the impugned order passed by the Revenue Divisional Officer, Harur, cancelling the Community Certificate issued to the petitioner, on the ground of violation of principles of natural justice. However, the matter was remitted to the 1st respondent to pass a fresh order after affording an opportunity of personal hearing to the petitioner. Thereafter, the petitioner was called upon to produce documents to support her claim by a notice. The petitioner though appeared in response to the notice for enquiry, she did not produce any documents to convince the 1st respondent about the petitioner's community status. Since the petitioner did not produce any documents after taking time before the 1st respondent, second summons was also sent to the petitioner by registered post. The said summons was returned to the 1st respondent office by the postal department with an endorsement that the petitioner refused to receive the summons. After recording the fact that the petitioner evaded service and has not produced any relevant documents to support her



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claim, the 1st respondent passed the impugned order confirming the decision taken earlier by his predecessor. Challenging the same, the above writ petition is filed.

(4)First of all, the fact that the petitioner did not respond to the second summons is not denied. It is in the said circumstances, this Court is unable to concede to the request of the learned counsel for the petitioner that the matter may be remanded to the 1st respondent to give an opportunity to the petitioner. The conduct of the petitioner is not only unfair but also without any prudence.

(5)Revenue officials are conducting enquiry into one's community status at the request of individuals for a few social privileged, it is to be noted that the revenue officials are permanently put in place to consider the individual's application for issuance of community certificate. The Government has provided sufficient machinery by engaging officials to consider the claim of individuals if they belong to SC/ST community for the purpose of getting the benefit of reservation. Despite the Government spending huge money for providing such machinery, the enquiry is delayed and dragged by adopting delaying tactics or by non-cooperation.



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Since this Court has taken judicial notice of the attitude of several persons and the delaying tactics adopted by individuals in a few cases, is not in a position to appreciate the contention of the learned counsel for the petitioner that further opportunity should be given to the petitioner, especially having regard to the admitted facts in this case that the petitioner neither produced any documents when she attended the enquiry on the first occasion and refused to receive the notice when sent by the 1st respondent. Even before this Court, the petitioner has not produced any documents, which if considered would up turn the impugned decision.

(6) In the said circumstances, this Court finds no merits in the writ petition. Accordingly, the writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [N.S., J.]
03.07.2024

AP

Internet : Yes



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S.S. SUNDAR, J.,
and
N.SENTHILKUMAR, J.,

AP

To

- 1.The Revenue Divisional Officer
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