



WEB COPY



W.P.No.32310 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

CORAM:

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.32310 of 2023

Kaliyappan
S/o Govindan

.. Petitioner

-VS-

1. The District Collector
Salem District
Fort Main Road
Salem, Tamil Nadu 636 001

2. The Revenue Divisional Officer
Mettur, Salem District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to Na.Ka.No.28189/2022/Thi.A dated 19.08.2023 issued by the 1st respondent and quash the same and to consequently direct the 2nd respondent to issue ST-Kurumans community certificate to the petitioner and his family members, viz., (1) V.Selvi, (2) K.Uthirakumar and (3) S.Ranjana.

For Petitioner :: Mrs.K.Nithyashree



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For Respondents :: Mr.R.Vigneswaran
Government Advocate

ORDER

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

This Court examined the case of the petitioner in detail. The petitioner has produced a few documents before the District Collector, upon which the District Collector was unable to uphold the claim regarding the petitioner's community status that he belongs to 'Kurumans' – Scheduled Tribe community. No document(s) which would clinchingly prove the community status of the petitioner, has been produced before the District Collector. This Court perused the documents filed before the District Collector and is unable to find any document or verifiable material produced by the petitioner before the District Collector.

2. The counsel appearing for the petitioner, however, submits that the petitioner's relatives were issued with community certificates. The learned counsel also relied upon a report based on the ethnology study conducted on the community 'Kurumans' in support of her submissions.



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3. Though the name of two individuals were referred to by the petitioner before the District Collector, the impugned order of the District Collector reveals that summons were issued to the two individuals, who are stated to be his blood relatives. Despite repeated summons being issued, those two individuals have not appeared before the District Collector to corroborate the statement of the petitioner. The statement of one of the persons is relied upon by the learned counsel before this Court. When the individuals concerned failed to appear, we cannot find fault with the District Collector refusing to look into the statement of the individuals, produced by the petitioner before the District Collector. Similarly, the ethnological report relied upon by the petitioner may be of some assistance to the petitioner, only if the enquiry is in connection with the petitioner's application. Therefore, none of the documents produced by the petitioner before this Court can be safely relied upon to sustain the petitioner's claim.

4. Finally, the learned counsel for petitioner submitted that the petitioner may be given an opportunity to file a statutory appeal before the State Level Scrutiny Committee.



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5. The learned Government Advocate appearing for the respondents admits that as against the order of District Collector, the petitioner has an effective alternative remedy of approaching the State Level Scrutiny Committee.

6. In such circumstances, giving liberty to the petitioner to file an appropriate appeal or revision before the State Level Scrutiny Committee, this writ petition is dismissed. No order as to costs.

Index : yes/no

(S.S.S.R.,J.)

(N.S.,J.)

Neutral citation : yes/no

27.03.2024

ss

To

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S.S.SUNDAR,J.
AND

N.SENTHILKUMAR,J.

SS

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