



W.P.(MD) No.22753 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22753 of 2021

V.Nagarajan

... Petitioner

Vs.

1. The District Collector
Pudukkottai District ,
Pudukkottai .
2. The Revenue Divisional Officer,
Pudukkottai District ,
Pudukkottai.
3. The Tahsildar
Pudukkottai Town Taluk,
Pudukkottai District, Pudukkottai

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records pursuant to order of the 2nd Respondent in his proceedings bearing Na.Ka.No.A3/5006/2021 dated 06/12/2021 and quash the same and consequently direct the 2nd Respondent to issue Community Certificate to the Petitioner's son namely Naresh Karthik based on Petitioner's representation, dated 09/09/2021.



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For Petitioner :Mr.A.Arul Jennifer
For Respondents :Mr.V.Nirmal Kumar,
Government Advocate

ORDER

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

The petitioner has filed this writ petition challenging the rejection of community certificate to the petitioner's son.

2. According to the petitioner, he has filed this writ petition on the ground that the decree passed by the civil Court, is not considered by the authority concerned while rejecting the community certificate.

3. The learned Government Advocate appearing for the respondents, submits that any decree granted by the civil Court is not binding upon the revenue authorities, who are competent to issue the community certificate and therefore, the writ petition is liable to be rejected.

4. The issue raised in this writ petition had already been decided by the Full Bench of this Court in *P.Maragathamani & Others Vs.General Manager* (In-charge), Bharat Heavy Electrical Limited & Others (reported in MANU/TN/8147/2006), wherein while



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deciding the maintainability of civil court decree directing the authorities to issue community certificate of a particular community, the Full Bench has held that “when the special procedure and remedy provided to approach particular forum in particular manner either by statute or by statutory instructions through Government orders as alternative remedy, had to be sought for only through said special provisions in stated manner – Thus, suit was not maintainable and not binding on authorities, as principles of natural justice were fully complied with.”

5. In the light of the above, if the petitioner has any grievance, he has to approach the District Collector by filing an appeal. Without exhausting such remedy, the petitioner has filed this writ petition and the same is not maintainable.

6. In view of the above discussions, as the petitioner is having appeal remedy before the District Collector, the petitioner is directed to file an appeal before the first respondent – District Collector, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed within two weeks, the District Collector shall consider the issuance of community certificate to the petitioner’s son and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks thereafter.



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7. With the above direction, this writ petition stands disposed of.

No Costs.

[D.K.K., J.]

[R.V., J.]

28.02.2024

Neutral Citation: Yes / No

Index : Yes / No

PM

To:

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Pudukkottai .
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Pudukkottai.
3. The Tahsildar
Pudukkottai Town Taluk,
Pudukkottai District, Pudukkottai.

D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

PM



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