

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 30078 of 2009 (D)

PETITIONER :

**SURENDRAN K.R.,S/O.LATE RAMAN THANDAN,
AGED 49 YEARS, KANDANKULANGARA HOUSE, AYILOOR P.O.,
AYILOOR VILLAGE, CHITTOOR TALUK,
PALAKKADU DIST.**

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA,
S.C/S.T. DEVELOPMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE TAHSILDAR,
TALUK OFFICE, CHITTOOR TALUK, PALAKKADU DISTRICT.**
- 3. THE VILLAGE EXTENTION OFFICER,
AYILOOR VILLAGE-1, AYILOOR P.O., CHITTOOR TALUK,
PALAKKADU DIST.**
- 4. THE AYILOOR GRAMA PANCHAYATH,
REPRESENTED BY THE SECRETARY, AYILOOR P.O.,
CHITTOOR TALUK, PALAKKADU DISTRICT.**

BY SPL. GOVERNMENT PLEADER SMT. LALY VINCENT

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).NO.30078/2009

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 COPY OF THE APPLICATION CUM COMMUNICATION OF 3RD RESPONDENT

EXHIBIT P2 COPY OF THE COMMUNICATION DATED 18/12/2008 ISSUED BY 2ND RESPONDENT

EXHIBIT P3 COPY OF THE IDENTITY CARD ISSUED TO THE PETITIONER FROM THE CO-OPERATIVE SOCIETY

**EXHIBIT P4 COPY OF THE JUDGMENT IN WP(C).NO.9055/2009 DATED 07/04/2009
OF THIS HON'BLE COURT.**

RESPONDENT'S EXHIBITS: **NIL**

/TRUE COPY/

P.S.TO JUDGE

sts

K. Vinod Chandran, J

W.P.(C).No.30078 of 2009-D

Dated this the 13th day of July, 2015

JUDGMENT

The petitioner claims to be a member of Thandan community, which according to him is included in the list of Scheduled Castes for the State of Kerala.

2. The learned Special Government Pleader (SC & ST) appearing for the State would submit that earlier, only the Thandan community of the Travancore area were included in the list. Earlier the community was recognised as a Scheduled Caste only in the Travancore-Cochin area and not in the Malabar area. The area restriction was taken away by Act 108 of 1976. The list was thus made applicable to the entire State of Kerala.

3. The persons, who belonged to the Thandan community all over the State were entitled to be treated as Scheduled Caste. The denial of such caste status to persons in the Malabar (Palghat) area, by the officers of the State, went to the Hon'ble Supreme Court. The Hon'ble Supreme Court in ***Palghat Jilla Thandan Samudhaya Samrakshna Samithi v. State of Kerala [1994(1) SCC 359]*** held against the State.

However, the State was of the opinion that the Ezhavas in the Malabar area were also known as Thandan and the community known as Thandan in the Malabar areas has no connection with the communities of the same name in the Travancore area. A Constitution amendment was brought by Constitution (Scheduled Castes) Order (Amendment) Act, 2007 by which the Ezhavas, Thiyyas, known as Thandan in the erstwhile Cochin and Malabar areas were excluded from the schedule.

4. The petitioner belonging to the Malabar area claiming to belong to the community of Thandan, hence would not be entitled to the benefit of a Scheduled Caste. The above position has also been declared by a Division Bench decision of this Court reported in ***Madhavan P. and Others v. State of Kerala and Others [2010 (2) KHC 739 (DB)]***.

Following the aforesaid decision, the writ petition would stand dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]