

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.18440 of 2015

Meenakshi

Petitioner

Vs.

The Tahsildar
Oulgaret Taluk Office
Oulgaret
Puducherry

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to issue nationality, nativity, income and community certificate as "Hindu - Kattunayakan" (Combined Certificate) to the petitioner based on the petition dated 17.06.2015.

For petitioner Mr. S.C. Vishwanth

For respondent Mrs. N. Mala

Addl. Govt. Pleader (Puducherry)

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The petitioner, claiming to be belonging to Hindu Kattunayakan community, has made an application on 17.06.2015 before the respondent seeking issuance of caste, residence and nationality certificate. On the heels of the said application, i.e., within a period of 5 days, the petitioner has rushed to this Court with the instant writ petition seeking a direction to the respondent to issue nationality, nativity, income and community certificate as Hindu Kattunayakan (Combined Certificate). The petitioner further submits that she was given certificates last year, however, the same has been denied this year.

2 We are unable to accept the petitioner's said contention inasmuch as a community certificate issued once, is valid eternally and it is not required to be issued every year.

3 However, without going into that aspect, it is seen that the petitioner confines her relief to issuance of a writ of mandamus to the respondent to consider her representation dated 17.06.2015 and pass orders thereon.

4 The Supreme Court, in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹, which has been referred to with approval in Director of Tribal Welfare, Government of A.P. Vs. Laveti Giri and Anr.², Baswant Vs. State of Maharashtra & Ors.³, Sudhakar Vithal Kumbhare Vs. State of Maharashtra and Ors.⁴, and G.M., Indian Bank Vs. R.Rani⁵, had given a time schedule, as per which, an applicant is required to make an application six months before the said certificate is required either for employment or for admission to some course and the authorities are required to complete the exercise within six months and issue the necessary certificate. In that event, we cannot direct the authorities to consider the petitioner's representation de hors the time schedule prescribed by the Supreme Court.

5 In such view of the matter, we are not inclined to direct the authority to issue the certificate as sought by the petitioner, expeditiously. However, it is expected that the authorities shall complete the exercise within the period as laid down by the Supreme Court in Kumari Madhuri Patil (supra).

6 With the above observation, this writ petition is dismissed. Costs made easy.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 (1994) 6 SCC 241

2 (1995) 4 SCC 32

3 JT 2000 (10) SC 280

4 (2004) 9 SCC 481

5 (2007) 12 SCC 796

The Tahsildar
Oulgaret Taluk Office
Oulgaret
Puducherry

+1cc to Mr.S.C. Vishwanth, Advocate, S.R.No.31571

+1cc to the Government Pleader, Pondicherry S.R.No.31621

VSN(CO)
EU 07.07.15

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