

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.18613 of 2014

T.C.Darsana (minor)
represented by her Maternal Aunt
T.K.Shylaja

.. Petitioner

vs.

1.Union of India
represented by the
Secretary to Government,
Education Department,
Government of Union Territory
of Puducherry,
Puducherry.

2.The Deputy Tahsildar (Revenue),
Sub Taluk Office,
Mahe.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent relating to his proceedings bearing No.3/STOM/T3/2014 dated 19.06.2014 and quash the same and consequently, direct the second respondent to issue a 5 years Residence Certificate to the petitioner.

For Petitioner : Mrs.P.T.Asha

For Respondents : Mr.Tamilvanan
Government Advocate [Puducherry]

O R D E R

Heard Mrs.P.T.Asha, learned counsel for petitioner and Mr.A.Tamilvanan, learned Government Advocate (Puducherry).

2. The petitioner has filed this writ petition challenging the order passed by the second respondent dated 19.06.2014 rejecting the request of the petitioner for grant of Residence Certificate. The impugned order has been passed on the basis of discreet enquiry said to have been conducted, from which the respondent concluded that the petitioner is not an ordinary resident of Palloor Revenue Village and the petitioner along with her family members is residing at Mukkali, Vatakara Taluk, Kozhikode District, Kerala State and hence, the certificate as sought for by the petitioner could not be issued.

3. Learned counsel for petitioner submits that the petitioner's father is P.Shanthakumar, who has married his mother T.C.Sharmila, who passed away on 07.09.2006. After the death of the petitioner's mother, her father remarried and is said to be residing with the second wife elsewhere. After the demise of her mother on 07.09.2006, the petitioner has been under the care and custody of her maternal aunt and she did her SSLC in MM Higher Secondary School, New Mahe and in this regard, learned counsel produced a copy of the School Leaving Certificate wherein the petitioner's place of residence has been shown as Palloor, New Mahe. The petitioner has been issued with a Aadhaar Card informing her residential address as Mahe and her name has been included in the ration card of T.K.Shylaja and her name is the fourth name in the ration card. Therefore, learned counsel submits that these records are conclusive proof to show that the petitioner is the permanent resident of Mahe for all these years.

4. Learned Government Advocate (Puducherry), on instructions, submits that the Government has laid down detailed guidelines as to the manner in which the application for Residence Certificate has to be considered and these records produced by the petitioner cannot in any manner advance the case of the petitioner.

5. In any event, the respondent has not rejected the application of the petitioner by considering the records viz., School Leaving Certificate, Aadhaar Card and ration card and the fact that her mother had passed away and her father had remarried, but her application has been rejected on the basis of discreet enquiry, the contents of which were not made known to the petitioner. In such circumstances, this Court is of the view that the matter requires reconsideration by the second respondent by conducting enquiry in the presence of the petitioner as well as her maternal aunt and her father and by ascertaining the correctness of the information furnished by the petitioner.

This Writ Petition is allowed by setting aside the impugned order. The matter is remitted back to the second respondent to conduct enquiry into the matter by summoning the petitioner, her maternal aunt and her father, consider the records placed by the petitioner, if necessary, the second respondent shall enquire the educational institution, revenue department as well as authorities,

who issued the ration card, aadhar card, etc. and pass a reasoned order on merits and in accordance with the rules and guidelines issued by the Government of Puducherry within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Secretary to Government,
Union of India
Education Department,
Government of Union Territory of Puducherry,
Puducherry.

2.The Deputy Tahsildar (Revenue),
Sub Taluk Office,
Mahe.

+1 cc to M/s.Sarvabhauman Associates, Advocate,SR.15368

+1 cc to Government Pleader,SR.15966.

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