



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No.19269 of 2014

and

M.P. (MD) Nos.1 and 2 of 2014

Prakash

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District at
Nagercoil.

2.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in application I.D.No.2014/0204/30/055726, dated 28.10.2014, quash the same and direct the second respondent to issue Hindu Ayyanavar Schedule Caste community certificate to the petitioner within a time frame fixed by this Court.

For Petitioner : Mrs.J.Anandhavalli

For Respondents : Mr.A.K.Baskarapandian, Spl.G.P.

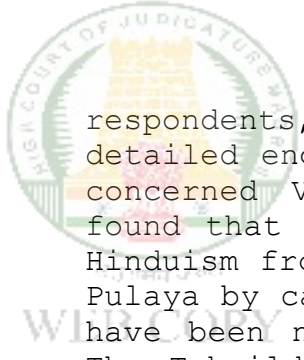
ORDER

(Order of this Court was made by S.TAMILVANAN,J.)

The Writ petition has been filed seeking an order in the nature of Writ of Certiorarified Mandamus or any other appropriate Writ or Order or direction, calling for the records pertaining to the impugned order passed by the Tahsildar, Vilavancode Taluk, Kanyakumari District, the second respondent herein in the application I.D.No.2014/0204/30/055726, dated 28.10.2014, quash the same and direct the second respondent to issue Hindu Ayyanavar Schedule Caste community certificate to the petitioner within a time frame fixed by this Court.

2.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

3.Learned counsel appearing for the petitioner drew the attention of this Court to paragraph No.3 of the affidavit and submitted that late Daniel, who is the paternal grandfather of Gopi and Wilson, was originally a Hindu, he converted to Christianity then re-converted to Hinduism and changed his name as A.Raghavan. Learned counsel for the petitioner also drew the attention of this Court to the copy of the document available at Page No.4 of the typed set of papers, which is a letter addressed by the Tahsildar, Vilavancode, dated 15.06.1973 in L.Dis.17001/73/A8 to the District Collector, Nagercoil and the same is not disputed by the learned Special Government Pleader appearing for the



respondents, wherein, the second respondent specifically stated that a detailed enquiry had been made by him, in the Village in the presence of concerned Village Administrative Officer and on verification, it was found that the applicant's father Daniel, subsequently, reconverted into Hinduism from Christianity and changed his name as Raghavan. He is Hindu Pulaya by caste and his two sons born on 29.04.1944 and the twin brothers have been named as Gopi and Wilson. Both of them are degree holders. The Tahsildar also furnished the particulars of Gopi and Wilson in his letter, which read as follows:

"1.S.S.L.C.63812 - H.Gopi - Hindu Ayyanavar - Government High School, Kollencode. Father - A.Raghavan - Date of Birth 29.04.1944.

2.S.S.L.C.63812 - D.Wilson - Hindu Pulayar - St.Francis High School, Vavarai. Father - A.Raghavan - Date of Birth 29.04.1944."

In the said letter, addressed to the District Collector, the Tahsildar has further stated that Pulayar and Ayyanavar community are said to be one and the same. Learned counsel drew the attention of this Court to Page No.5 of the community certificate, which shows that D.Wilson is a person belongs to Hindu Pulayar community of scheduled Caste.

4.Learned Special Government Pleader appearing for the respondents on instruction received from the respondents submitted that the petitioner is entitled for getting Hindu Ayyanar community of Scheduled Caste, in view of the enquiry conducted by them.

5.Having considering the averments made in the accompanying affidavit, supporting materials and the submissions made by both sides, we are of the view that the petitioner is entitled to get the community certificate as prayed for.

6.Accordingly, the Writ petition is allowed and the second respondent is directed to issue community certificate stating that the petitioner belongs to Hindu Ayyanar community of Scheduled Caste as per the procedure known to law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected M.Ps are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Kanyakumari District at Nagercoil.

2.The Tahsildar, Vilavancode Taluk, Kanyakumari District.

+1cc to the Special Government Pleader in SR.6619

+1cc to Mr.J.Anandhavalli, Advocate in SR.5999

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