



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No. 3084 of 2015

and

M.P. (MD) Nos. 1 and 2 of 2015

M. Saravana Kumar

... Petitioner

Vs.

1. The Secretary,
State of Tamil Nadu,
Agriculture Department,
Fort St. George, Chennai 09.

2. The Commissioner,
Agriculture Department,
Chepauk, Chennai 05.

3. The Joint Director of Agriculture,
Theni, Theni District.

4. The Revenue Divisional Officer,
Periyakulam, Theni District.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order in pay in Na.Ka.No.1573/2013/A-3, dated 28.08.2014 on the file of the fourth respondent and quash the same as illegal.

For Petitioner : Mr. T. Lajapathi Roy

For Respondents : Mr. Pugalenth, Spl. G.P.

O R D E R

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

Challenging the order dated 28.08.2014 passed in Na.Ka.No.1573/2013/A-3 by the Revenue Divisional Officer, Periyakulam, Theni District, the fourth respondent herein, this Writ petition has been filed by invoking Article 226 of the Constitution of India.

2. By consent of both parties, this Writ petition is disposed of. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

3. The petitioner has stated that his mother Kamala belongs to Christian Piramalai Kallar community of de-notified and the same is recognized as Most Backward Community and his father belongs to Hindu Siviar, which is also a Most Backward Community. However, that was not considered by the fourth respondent while issuing the impugned order.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Learned counsel appearing for the petitioner drew the attention of this Court to page No.1 of the typed set of papers, which contains a



copy of the community certificate of the petitioner stating that the petitioner, Saravana Kumar, son of N.K.N.Muthu is Hindu Piranmalai Kallar community, which is recognized as a denotified Most Backward Class community.

5.As contended by the learned counsel appearing for the petitioner, based on the community of the father or mother, one can seek community certificate, if he or she has brought up as per the custom of his / her father or mother respectively.

6.In the instant case, it is not in dispute that the both the mother and father of the petitioner are coming under the category of Most Backward though their caste is different. The said fact is not disputed by the learned Special Government Pleader appearing for the respondents.

7.After having gone through the material papers available on record, there is no iota of material to show that there is any misrepresentation of the petitioner for getting community certificate stating him as Hindu Piranmalai Kallar, a denotified community of Most Backward class, which is also not disputed by the learned Special Government Pleader after a perusal of the material papers available on record.

8.However, as per the impugned order dated 28.08.2014 passed by the Revenue Divisional Officer, Periyakulam, the fourth respondent herein, there is a finding that the petitioner has misrepresented his community and got the community certificate stating him as Hindu Piranmalai Kallar community.

9.Having gone through the material papers, we are of the view that there could be no misrepresentation by the petitioner, since admittedly, his mother belongs to Hindu Piranmalai Kallar, a denotified community of Most Backward Class.

10.On the aforesaid facts and circumstances, the impugned order dated 28.08.2014 passed by the Revenue Divisional Officer, Periyakulam, the fourth respondent, is hereby quashed, recognizing the petitioner as Hindu Piranmalai Kallar denitified Most Backward Class as per the admitted document produced by the petitioner, issued by competent Revenue Authorities. Learned Special Government Pleader raised no tenable objection in this regard.

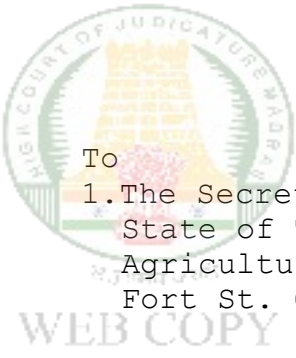
11.The Writ petition is allowed accordingly. No costs. Consequently, connected M.Ps.are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub- Assistant Registrar



To

1.The Secretary,
State of Tamil Nadu,
Agriculture Department,
Fort St. George, Chennai 09.

2.The Commissioner,
Agriculture Department,
Chepauk, Chennai 05.

3.The Joint Director of Agriculture,
Theni, Theni District.

4.The Revenue Divisional Officer,
Periyakulam, Theni District.

+1cc M/s.T.LajapathiRoy, Advocate in SR.No.11014/15

+1cc to special Government Pleader SR.No.11180/15

sm:24.04.2015:3P/7C

nbj

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06.03.2015