

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE V. BHARATHIDASAN

W.P.No. 14629 of 2016
and
WMP No. 12792 of 2016

D. Nagamuthu ... Petitioner

Vs

The Tahsildar-cum-
Executive Magistrate,
Taluk Office, Villianur Taluk,
Pondicherry State. ... Respondent

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of Certiorarified Mandamus to call for the records pertaining to impugned order passed by respondent in connection with issuing community certificate to the petitioner vide No.1842/TOV/A2/Certificates/2016-17 dated 05.04.2016 and quash the same as illegal, arbitrary, violative audi alteram partem and against settled principles of law and further direct the respondent to issue fresh Scheduled Caste Community Certificate to the petitioner within a time frame.

For Petitioner : Mr. R. Veeramani

For Respondent : Mr.M. Govindaraj,
Govt. Pleader (Pondy)

ORDER

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

Heard the learned counsel for the petitioner and the learned Government Pleader (Pondy) appearing for the respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2. According to the petitioner, he was issued with Hindu Adi Dravidar (SC) community certificate on 12.01.2010 by the Tahsildar, Villianur Taluk and his son was also issued with such certificate on 18.02.2016. The petitioner made an application to the respondent on 15.03.2016 seeking such community certificate for submitting the same along with the nomination papers for the Legislative Assembly election to be held in May 2016. The said application was rejected by the respondent vide impugned order dated 05.04.2016. Thus, the petitioner has come up with the instant writ petition seeking quashment of the same and also to direct the respondent to issue fresh Scheduled Caste community certificate to him.

3. Learned counsel appearing for the petitioner, in the course of the arguments, submits that since the petitioner has already obtained a Scheduled Caste Community certificate on 12.01.2010, the same cannot be cancelled when the petitioner makes an application for issuance of a fresh community certificate.

4. On a perusal of the documents, it is noticed that the petitioner is already granted Scheduled Caste community certificate on 12.01.2010. Thus, the petitioner is entitled to a copy of the said certificate, which shall be issued in the course of the day. In respect of further enquiry about the genuineness of the community certificate, no order can be passed without affording a proper opportunity of hearing to the petitioner.

With the above direction and observation, this writ petition is disposed of. Connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To
The Tahsildar-cum-
Executive Magistrate,
Taluk Office, Villianur Taluk,
Pondicherry State.

+ 1 cc to M/s. R. Veeramani, Advocate Sr.26468
+ 1 cc to The Govt.Pleader for Puducherry, High Court, Mds. Sr
27126 (14/6/16)

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RSK(CO)
Eu 27.4.16