

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No. 38721 of 2015

R. Sailini Priyaraj .....Petitioner  
vs.

1. The District Collector,  
Salem District.
2. The Tahsildar,  
Revenue Department,  
Salem Taluk. .... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records on the file of the 2<sup>nd</sup> respondent in community certificate No.9873364 and quash the same as illegal, incompetent and further direct the 2<sup>nd</sup> respondent to issue a fresh community certificate to the petitioner belonging to Hindu Adi Dravidar Community. (amended as per order dated 04.01.2016 in MP No. 1 of 2015)

For petitioner : Mr. V. Lakshminarayanan

For respondents : Mrs. A. Srijayanthi  
Spl. Govt. Pleader

ORDER

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

Heard the learned counsel for the parties.

2. This writ petition is filed seeking to quash the community certificate No.9873364 issued by the second respondent and also for a direction to issue a fresh Hindu Adi Dravidar community certificate to the petitioner.

3. According to the petitioner, her application for grant of community certificate was rejected, without holding proper enquiry, on 05.05.2014, which is sought to be impugned by subsequent amendment in this writ petition. On an earlier occasion, the petitioner was granted community certificate stating that she belongs to Hindu Kavarai community, whereas, her father and brother were granted Hindu Adi Dravidar community certificate.

4. According to the learned counsel for the petitioner, the petitioner does not belong to Hindu Karavai Naidu community, but, the authority, without holding proper enquiry as per the guidelines laid down by the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others<sup>1</sup>, granted the community certificate that she belongs to Hindu Karavai Naidu community. Thus, the said community certificate has to be cancelled and a fresh community certificate, as aforestated, be issued.

5. Mrs. A. Srijayanthi, learned Special Government Pleader submits that fresh enquiry, as required, will be conducted and orders will be passed in the light of the guidelines laid down by this Bench vide order dated 21 December 2015 in G. Venkitasamy and V. Balasubramaniam vs. The Chairman, State Level Scrutiny Committee and Secretary to Government, Adi Dravidar and Tribal Welfare Department, Namakkal Kavingar Maaligai, Fort St. George, Chennai - 9<sup>2</sup>,

6. Accordingly, we direct the competent authority to examine the case of the petitioner afresh in the light of the decision rendered by this Bench (supra) and pass appropriate orders, on merits and in accordance with law, expeditiously.

This writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (J)

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Sub Assistant Registrar

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1 (1996) 4 SCC 241

2 W.P.Nos.30368 and 31973 of 2015

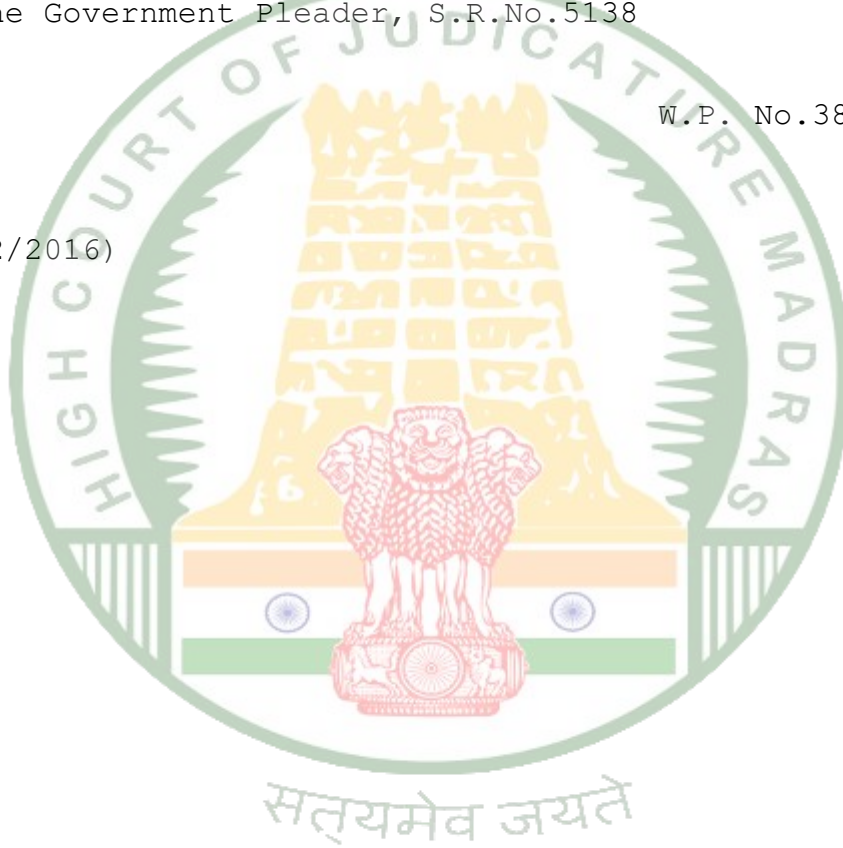
To

1. The District Collector,  
Salem District.
2. The Tahsildar,  
Revenue Department,  
Salem Taluk.

+lcc to M/S.V.Raghavachari, Advocate, S.R.No.3839  
+lcc to the Government Pleader, S.R.No.5138

W.P. No.38721 of 2015

ak(CO)  
srg (04/02/2016)



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