

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.24121 of 2016
and WMP.No.20655 of 2016

Mr.R.Murugesan

...Petitioner

Vs.

1 The District Collector
Erode District Vigilance Committee (3 Members)
Erode District.

2 The Sub-Collector
Gobichettipalayam
Erode District.

3 The Revenue Divisional Officer
Gobichettipalayam
Erode District.

4 The Zonal Tahsildar
Gobichettipalayam
Erode District.

...Respondents

Writ Petition filed praying to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order dated 12.10.2015 passed by the 1st respondent in Na.Ka.No.7174/2015/E.Ka confirming the order dated 07.02.2015 passed by the 2nd respondent in Ne.Mu.13751/2013 A4 and order dated 30.06.2014 passed by the 3rd respondent in Na.Ka.16826/2014/A5 and quash the same and consequently direct the respondents to issue Hindu-Bandi (SC) Community Certificate to the petitioner's sons viz. (1) M.Sankaran and (2) M.Varatharaj.

For Petitioner : Mr.P.Ravishankar Rao for
Mr.L.Mouli

For Respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader for
Respondents

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH,J.)

Heard the learned counsel appearing for the respective parties.

2. It appears that the District Level Vigilance Committee had rejected the request sought for by the petitioner in respect of issuance of "Hindu-Bandi" community certificate.

3. In the affidavit filed in support of the Writ Petition, it is stated that the petitioner belongs to Hindu Bandi community, which is a sub-caste of "Ottar" and "Boyar" community. However, the petitioner's request to issue community certificates for his 2 sons was examined by the Revenue Inspector, Vaniputhur and on enquiry by the Zonal Deputy Tahsildar, Gobichettipalayam, a detailed report was presented by the Zonal Deputy Tahsildar to the Tahsildar, Gobichettipalayam, with a conclusion that the writ petitioner had not produced any documentary evidence to prove that he and his two sons belonged to Hindu-Bandi community. After the writ petitioner producing all relevant documents, the Tahsildar, Gobichettipalayam, examined all the documents and by proceedings dated 30.06.2014 rejected the request of the Writ Petitioner. Even the appeal filed by the petitioner was gone into by the Assistant Collector, Gobichettipalayam, and issued order dated 07.02.2015, rejecting the appeal. Further appeal to the District Collector, Erode, was also examined by the three member committee and after examining all the details, finally issued order dated 12.10.2015, rejecting the request of the petitioner.

4. Further in the counter affidavit filed by the respondents, it is stated that the writ petitioner himself in his appeal petition before the 2nd respondent on 14.07.2014, had stated that he belong to Boyer community and he accepted his communal status as Boyer and as per the Tamilnadu Government publication of community list, the said community comes under Sl.No.5 of MBC category and it is noted as Boyer/Oddar only and not Bandi a sub caste of Boyer.

5. In the said circumstances, we are of the view that rejection by the 1st respondent on the request of the writ petitioner seeking Scheduled Caste community certificate does not cause any injustice to the petitioner. Accordingly, the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1 The District Collector
Erode District Vigilance Committee (3 Members)
Erode District.
- 2 The Sub-Collector
Gobichettipalayam
Erode District.
- 3 The Revenue Divisional Officer
Gobichettipalayam
Erode District.
- 4 The Zonal Tahsildar
Gobichettipalayam
Erode District.

+1cc to M/S.L.Mouli, Advocate Sr.52393
+1cc to the Government Pleader sr.52217

W.P.No.24121 of 2016

nr[col
srg 17/10/2016

WEB COPY