

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH  
and  
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition Nos.24377 and 24378 of 2016  
and  
WMP.Nos.20863 and 20864 of 2016  
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R.Ravi ...Petitioner in WP.No.24377 of 2016

R.Ramarajan ...Petitioner in WP.No.24378 of 2016

Vs.

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

2.The Revenue Divisional Officer  
Gobichettipalayam,  
Erode District.

3.The Tahsildar,  
Gobichettipalayam,  
Erode District.

...Respondents  
in both WPs

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned orders dated 12.10.2015 passed by the first respondent Committee in proceedings Na.Ka.No.7174/2015/E.Ka and quash the same and consequently direct the respondents to issue Hindu -Bandi (SC) Community Certificate to the petitioners' daughters (1) R.Priyadharshini and (2)R.Bhuvaneshwari (in WP No.24377/2016), and (1)Elakkiya and (2)Thenmozhi (in WP No.24378/2016) respectively.

For Petitioner : Mr.L.Mouli  
in both WPs

For Respondents : Mr. P.S.Sivashanmuga Sundaram  
in both WPs Special Government Pleader

O R D E R

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

Heard the learned counsel for the Petitioners and Mr.P.S.Sivashanmuga Sundaram, who accepts notice for respondents.

2. Both these Writ Petitions are 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 first respondent Committee and quash the same and consequently direct the respondents to issue Hindu -Bandi (SC) Community Certificate to the petitioners' daughters.

3. It is averred in the Writ Petitions that the petitioners belong to Hindu-Bandi Community; however, they have not obtained any community certificate so far. It is further averred that they preferred applications dated 17.04.2015 and 20.04.2015 respectively to the first respondent requesting to issue community certificate to their daughters. On receipt of the same, the first respondent issued a notice calling upon the petitioners to appear for enquiry on 10.07.2015. Accordingly, the petitioners appeared and produced the school records of their daughters and the community certificates of their relatives. Thereafter, the first respondent passed an order dated 12.10.2015 rejecting the petitioners' request seeking community certificate for their daughters. Aggrieved over the same, the present writ petitions came to be filed by the petitioners.

4. It is pertinent to note that as per G.O.(Ms.).No.147 Revenue [RA-3(2)] Department dated 17.03.2016, as regards the Scheduled Castes community certificate, the Issuing Authority is Tahsildar, the Appellate Authority is the Revenue Divisional Officer and the Redressal of Grievance Cell is the District Collector. In the case on hand, the petitioners, instead of approaching the competent authority viz., Tahsildar, has approached the District Collector, Erode District Vigilance Committee, for issue of community certificate, who rejected the said request on certain grounds. Now, this Court cannot take up a roving enquiry and as such, it is for the competent authority to investigate and identify a community, after adhering to all the fundamentals of enquiry, as stipulated by this court from time to time. The writ petitioners can make the request to the Tahsildar with or without the recommendation of the Revenue Inspectors/Village Administrative Officers. If it is without the reports of the Revenue Inspectors/Village Administrative

Officer, the Tahsildar can send the papers to either one or both of them for report.

5. For the aforesaid reasons, we are inclined to set aside the impugned order dated 12.10.2015. Accordingly, the impugned order dated 12.10.2015 in both Writ Petitions are set aside. The petitioners are directed to approach the competent authority namely the Tahsildar along with necessary documents. The Tahsildar, on receipt of application, if any filed by the petitioner, shall consider the same and after following the rules and guidelines regarding issuance of community certificate, shall pass necessary orders. The writ petitions are allowed in the above terms. No costs. Connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nvsri

To

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

2 ccs to Mr.L.Mouli, Advocate, sr.44004 & 44005  
1 cc to The Government Pleader, sr.44124

W.P.Nos.24377 and 24378 of 2016

gr co  
kra 23.08.2016