

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.9.2016

CORAM

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

W.P.No.32837 of 2016

A.Gomathi

... Petitioner

Versus

The Tahsildar,
Taluk Office, Kattumannarkoil,
Cuddalore & District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent either to issue community certificate based on the available documents or to make an enquiry about the petitioner's caste and to issue community certificate to the petitioner's four children namely i) A.Tamil Selvi ii) A.Arivukanal iii) Ahathiyan & iv) Thiruvalluvan.

For petitioner : Mr.G.Saravanakumar

For Respondent: Mr.K.Dhananjayan, Special Govt. Pleader

ORDER

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

Heard the learned counsel appearing for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader, who accepts notice on behalf of the respondent.

2. The writ petition has been filed seeking issuance of a writ of mandamus directing the respondent either to issue community certificate based on the available documents or to make an enquiry about the petitioner's caste and to issue community certificate to the petitioner's four children namely i) A.Tamil Selvi ii) A.Arivukanal iii) Ahathiyan & iv) Thiruvalluvan.

3. The case of the petitioner is that she belongs to Most Backward Community and her husband belongs to Kammavar Naidu community and the applications submitted to the respondent seeking issuance of community certificate to her four children that they belong to Most Backward Community are kept pending without there being any order and hence, the present writ petition has been filed.

4. Learned counsel appearing for the petitioner, relying upon G.O.Ms.No.477 Social Welfare Department, dated 27.6.1975, would contend that the children born of inter-caste marriage shall be considered to belong to the community of either the father or the mother according to the the declaration of the parents.

5. It is for the respondent authority to do the needful in accordance with law, on the basis of the above said G.O., and consider the representation of the petitioner seeking issuance of community certificate that her four children belong to Most Backward Community and pass orders within a period of two months from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner. The petitioner shall produce all the relevant documents to the respondent-authority in this regard. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To:

The Tahsildar,
Taluk Office, Kattumannarkoil,
Cuddalore & District.

+lcc to Mr.P.Vijendran, Advocate sr.53997
+lcc to the Government Pleader Sr.53473

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srg 20/10/2016