



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.4700 of 2015
and
M.P. (MD) .No.1 of 2015

K.Thadagan

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Madurai District, Madurai.

3.The Thasildar,
Madurai South Taluk,
Madurai District,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus directing the respondents 2 and 3 to call for the records relating to the petitioner's community certificate dated 11/07/2013 vide No.12523178 quash the same and cancel the same as wrong and consequently issue a fresh community certificate for "Hindu Malai Vedan" classified as Scheduled Tribes (ST) taking into account of the petitioner's representation dated 04.03.2015.

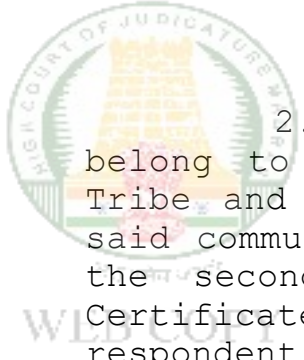
For Petitioner : M/s.V.Vinayaga moorthy

For Respondents : Mr.A.K.Baskarapandiyan
Special Government Pleader

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J**)

By consent, the Writ Petition is taken up for final disposal.
<https://hcservices.ecourts.gov.in/hcservices/>



2. The petitioner claims that he as well as his ancestors belong to 'Hindu Malai Vedan Community', which is a Scheduled Tribe and they are following the customs and traditions of the said community for centuries together. The petitioner approached the second respondent for the purpose of getting the said Certificate, who in turn, forwarded the same to the third respondent for conducting an enquiry. It is the specific claim of the petitioner although he produced all the documents and also established his customary practice, in normal course, he should have been issued with the said Community Certificate. But, to his shock and surprise, the third respondent had issued Hindu-Vedar Community Certificate, which is classified as Backward Class by the Government of Tamil Nadu. Challenging the legality of the same, the petitioner came forward to file this Writ Petition.

3. Learned Counsel for the petitioner has drawn the attention of this Court to the typed set of papers and documents and in the light of the overwhelming documents available, the petitioner ought to have been issued 'Hindu-Malai Vedan Community' and prays for interference.

4. Mr.AK.Baskarapandiyan, learned Special Government Pleader who accepts notice for the respondents, on instructions, would submit that in terms of G.O.Ms(No.)235, Revenue Department, dated 26.06.2015, the petitioner has got an alternative remedy and prays for the dismissal of this Writ Petition.

5. This Court has considered the submissions made on either side and perused the materials available on record.

6. If the third respondent is of the view that the petitioner does not belong to 'Hindu-Malai Vedan Community' he ought to have rejected the same, if he is otherwise of the view, he should have acted positively and issued the Certificate to that effect, but instead, he had issued 'Hindu-Malai Vedan Community'. In the considered opinion of this Court, the said procedure adopted by the third respondent is not at all in order. Hence, on this short ground, it warrants interference.

7. In the result, this Writ Petition is partly allowed and the order impugned in this Writ Petition is set aside and the matter is once again remanded to the third respondent for fresh consideration as to the community status of the petitioner and the third respondent is directed to complete the said exercise and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of



this order and communicate the decision taken by the respondents to the petitioner, forthwith. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar-

ssm
To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Revenue Divisional Officer,
Madurai District, Madurai.
- 3.The Thasildar,
Madurai South Taluk,
Madurai District,
Madurai.

+1cc to Mr. Advocate Sr.No. 66950

+1cc to Spl.Government Pleader Sr.No. 66642

JAM/09.11.16/SS 3 /3p-6c

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