



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.11545 of 2016

K.R.Nehru

...Petitioner

-Vs-

1.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Tirunelveli.

2.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.

3.The Zonal Deputy Tahsildar - I,
Taluk Office,
Sankarankovil,
Tirunelveli District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the record of the second respondent's impugned order in Na.Ka.Aa2/627/2013 dated 23.09.2014 and to quash the same and directing him to issue community certificate of Hindu Telugupatty Chetty to the petitioner's son Veeramanikandan, within the period stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.M.Alagathevan
Special Government Pleader

ORDER

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J)

This Writ Petition is directed against an order passed on 23rd September, 2014, by the Tahsildar, Sankarankovil Taluk, Tirunelveli District, rejecting the request of the petitioner to grant a Community Certificate disclosing that his son belongs to Hindu Thelungupattichetty community. Such a request has been turned down by the Tahsildar on the ground that the writ petitioner has studied upto 12th Standard and in his school record, his name was mentioned as R.Muppidathi and subsequently, it has been changed to Nehru. But, however, the school records



maintained disclose that he belongs to Hindu Sadhuchetty community. It is averred that only to avail certain benefits meant for Most Backward Classes community, he is now seeking a Community Certificate to treat him as belonging to Hindu Thelungupattichetty community. It is pointed out that for the first time in a sale deed of the year 1991, his community has been recorded as Hindu Thelungupattichetty community.

2.The Tahsildar has not preferred to rely upon the disclosure of the community in the said 1991 document for the reason that it is a self-serving document. Since the petitioner has not produced any credible material in support of his claim that he belongs to Thelungupattichetty community, his request for grant of the Community Certificate has been turned down. It is now brought to our notice that the petitioner has preferred an appeal on 04th July, 2016, against the orders of the Tahsildar. It is now urged before us that the counselling process for admission to Engineering Courses has commenced and in fact, the turn for the son of the petitioner is slated to 15th July, 2016, at 05.00 p.m. He, therefore, urges that necessary Community Certificate be issued to the son of the petitioner.

3.The appellate authority is required to apply his mind judiciously and then decide the issue as to whether the writ petitioner's son truly belongs to Hindu Thelungupattichetty Community, which is recognized as one of the communities forming part of the Most Backward Classes or the petitioner's son simply belongs to Hindu Sadhuchetty Community, which is only recognized as a Backward Classes community. Let the enquiry be completed as expeditiously as is possible by providing an opportunity of hearing to the petitioner as well. We hope and trust that the appellate authority will keep in mind that the counselling process for the writ petitioner's son is slated to 15th July, 2016 and would accordingly act in accordance with law.

4.The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Tirunelveli.



2.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.

WEB COPY

3.The Zonal Deputy Tahsildar - I,
Taluk Office,
Sankarankovil,
Tirunelveli District.

+1cc to M/s.A.Haja Mohideen, Advocate in SR.35335

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srm

PBK/NGM-SK/SAR-III 06/07/2016 ::3P-5C:: (IT)