



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2016

CORAM:

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

W.P (MD) .No.17795 of 2016

1.N.Dharmar
2.D.Jamuna

... Petitioners

Vs

1.The District Collector,
Chettinaickenpatti,
Dindigul-624 004.

2.The Revenue Divisional Officer,
Dindigul District,
Collectorate Campus,
Dindigul.

3.The Tashildar,
Nilakottai,
Dindigul District.

... Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to quash the impugned order of the second respondent passed in Na.Ka.No.686/2014/A3 dated 24.06.2016 and to pass a direction to the second respondent to issue Community Certificates for the two minor sons, namely, D.Hariharan and D.Thirukumaran and for the second petitioner as 'Malai Vedan' community which is classified as 'Scheduled Tribe' as per the Scheduled Caste and Scheduled Tribe (Amendments) Act 1976.

For Petitioner :Mr.S.Chandrasekaran

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

ORDER

[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

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



2. The petitioner, would aver among other things, that he married the second petitioner in the year 1999 and out of their wedlock, two children were born to them. The grievance of the petitioner is that he belongs to 'Malai Vedan' Community which is recognized as a Scheduled Tribe as per G.O.Ms.No.1564/SWD dated 31.07.1985 and also as per the Scheduled Caste and Scheduled Orders (amendment) Act, 1976 vide serial No.300. The third respondent has also issued the Community Certificate dated 12.06.1999 and the said Certificate was also validated by the Government as per the proceedings in Government Letter No.35484/ADW-II/91-1, dated 16.09.1991, by the second respondent and as such, there cannot be any doubt as to his community status.

3. The petitioner has sent petitions to the second respondent, on 30.01.2014 and 27.05.2014, to issue Community Certificate to his sons. Since there was no response, the petitioner was constrained to file W.P.(MD).No.19356 of 2014 and the same was disposed of, by this Court, on 05.04.2016. The second respondent therein, in compliance of the said order conducted an enquiry and passed the impugned order rejecting the request of the petitioner. Challenging the legality of the same, the petitioner came forward to file this Writ Petition.

4. Learned Counsel for the petitioner would submit that the Community Certificate issued to the petitioner has been validated by the Government and it is yet to be cancelled by the respondents and therefore, there may not be any impediment on the part of the second respondent to issue the Community Certificate atleast for his sons leave alone his wife. In support of his contention, he placed reliance upon the Division Bench of this Court reported in **2016 (3) CTC 119, P.Govindarasu Vs. The Revenue Divisional Officer, Harur.**

5. *Per contra*, Mr.AK.Baskara Pandiyan, learned Special Government Pleader appearing for the respondents 1 to 3, on instructions, would contend that the second respondent, in compliance with the order made in W.P.(MD).No.19356 of 2014 dated 05.04.2016 has considered all the relevant materials and rightly rejected the claim of the petitioner and therefore, prays for the dismissal of this Writ Petition.

6. This Court has considered the rival submissions of the parties concerned and perused the materials placed before this Court.

7. Admittedly, the Community Certificate issued to the petitioner stating that he belongs to 'Malai Vedan' Community dated 12.06.1999 is yet to be cancelled by the respondents and it is also the categorical stand of the petitioner that the said



Certificate was validated by the Government letter No.35484/ADW-II/91-1, dated 16.09.1991 and thus, as on date, the Certificate issued to him is not in dispute and as a corollary and natural consequence, the sons of the petitioners are also entitled to be issued with the Community Certificate to that effect.

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8. In view of the above, the matter is once again remanded back to the second respondent and in the light of the observations made in this Writ Petition, is directed to consider the representation, dated 27.05.2014, for issuance of Community Certificate to the sons of the petitioner and dispose of the same, 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 thereon to the petitioners, forthwith.

9. In the result, the order of the second respondent dated 24.06.2016 is set aside and this Writ Petition is partly allowed to the extent indicated above. No costs.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub Assistant Registrar

ssm

To

- 1.The District Collector,
Chettinaickenpatti,
Collectorate Campus,
Dindigul-624 004.
- 2.The Revenue Divisional Officer,
Dindigul District,
Collectorate Campus,
Dindigul.
- 3.The Tashildar,
Nilakottai,
Dindigul District.

+1cc to Mr.S.Chandrasekaran Advocate Sr.No. 61391

+1cc to Spl.Government Pleader Sr.No. 61424

JAM/02.11.16/GSV-PM/3P-6C