



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.11.2016

CORAM

WEB COPY

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

W.P (MD) No. 22686 of 2016

Sivakumar

... Petitioner

Vs.

1. The Secretary to the Government,
Backward Class, Most Backward Class and
Minorities Welfare Department,
Secretariat,
Chennai.
2. The District Collector,
Ramanathapuram District,
Ramanathapuram.
3. The Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.
4. The Zonal Deputy Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to issue Community Certificate to the Petitioner's son namely Shoban Babu, S/o. Sivakumar as Most Backward Class by complying the direction issued by the 1st Respondent vide his Letter No. 10702/PNaCP/2009-1, dated 02.12.2009.

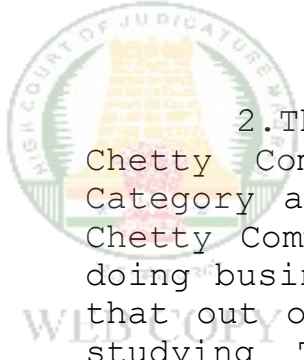
For Petitioner : Mr. D. Selvanayagam
for Mr. K. Seemaraaj

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

ORDER

(Judgment of this Court was delivered by M. SATHYANARAYANAN, J.)

By consent, this writ petition is taken up for final



2.The petitioner would state that he belongs to Telugupatty Chetty Community, which comes under the Most Backward Class Category and in his village 2000 people belonging to Telugupatty Chetty Community are living and they eke out their livelihood by doing business and Agriculture. The petitioner would further state that out of the wedlock, he is having a son by name Shoban Babu, studying Twelfth Standard at S.P.K. Higher Secondary School, Aruppukottai and further stated that their community people are being issued with community certificate indicating as Most Backward Class upto 1996. Thereafter, no such certificate has been issued and the said issue was also brought to the notice of the first respondent, who vide Letter dated 06.02.2011, has directed all the District Collectors to issue Community Certificates to the people belonging to Telugupatty Chetty Community as Most Backward Class.

3.The petitioner for the purpose of getting community certificate for his son submitted an application dated 18.05.2016, to the 4th respondent and it was received and acknowledged on 02.06.2016. However, no response is forthcoming. Therefore, the petitioner came forward to file the present writ petition.

4.Learned counsel for the petitioner has drawn the attention of this Court to the typed set of papers and also the order made in W.P.(MD) No.19030 of 2016 and would submit that in the light of the above facts and circumstances, there cannot be any impediment on the part of the 4th respondent to issue community certificates to the people belonging to Telugupatty Chetty Community as Most Backward Class and prays for a direction to the 4th respondent.

5.This Court heard the submissions of Mr.A.K.Baskaran Pandian, learned Special Government Pleader also.

6.Though the petitioner has come forward with this petition with a larger prayer, this Court, in the facts and circumstances of the case, without going into the merits of the case, directs the 4th respondent to consider the application of the petitioner dated 18.05.2016, on merits and in accordance with law, after providing an opportunity of personal hearing and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)



To

1. The Secretary to the Government,
Backward Class, Most Backward Class and
Minorities Welfare Department,
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Chennai.
2. The District Collector,
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Ramanathapuram.
3. The Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.
4. The Zonal Deputy Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.

+1cc to Mr.K.Seemaraj, Advocate, SR.No.72748

+1cc to The Special Government Pleader SR.No.73847

sj

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W.P (MD) No.22686 of 2016