

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:24.07.2017

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE P.D.AUDIKESAVALU

W.P.No.10681 of 2017 and
W.M.P.No.11626 of 2017

Kalaiselvan

... Petitioner

Vs

1.The District Collector
Salem District, Salem.

2.The District Revenue Officer,
Salem District, Salem.

3.The Tahsildar,
Gangavalli Taluk,
Salem District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3rd Respondent dated 20.12.2016 made in Na.Ka.No.3350/2016(B4) and to quash the same consequently directing the 3rd respondent to issue community certificate to petitioner's son Agalraj as "Hindu Ambalakarar" pursuant to petitioner's application dated 07.03.2016, forthwith.

For Petitioner : Mr.S.Sureshkumar

For Respondents : Mr.K.Venkataramani
Additional Advocate General
Assisted Mr.M.Elumalai
Government Advocate

O R D E R

[Order of the Court was made by P.D.AUDIKESSAVALU, J.]

Heard both sides.

2.The Petitioner has preferred this Writ Petition as against the order dated 20.12.2016 issued by the 3rd Respondent/Tahsildar, Gangavalli Taluk, Salem District rejecting the request of the Petitioner to issue MBC Community Certificate for his son Agalraj as 'Hindu Ambalakarar'.

3.According to the Petitioner, he had made an application to the 3rd Respondent/Tahsildar on 06.03.2016 for issuance of MBC Community Certificate belonging to 'Hindu Ambalakarar' Caste for his son Agalraj, but no order was passed on the same. Hence, he had approached the State Legal Services Authority attached to the Subordinate Court, Attur, who had directed the Petitioner to approach the Tahsildar, Gangavalli Taluk, Salem District. In turn, the Tahsildar, Gangavalli Taluk, Salem District had rejected the request of the Petitioner for issuance of MBC Community Certificate for his son on the ground that they belong to Hindu Muthuraja Caste which is a Backward Class and for securing the Government concession, they had submitted the requisition as though they were belonging to 'Ambalakarar Caste', which is a Most Backward Class.

4.On a reading of the impugned order, this Court finds that the 3rd Respondent/Tahsildar, Gangavalli Taluk, Salem District has not referred to any material placed on record to arrive at the factual finding that the Petitioner and his son belonging to Hindu Muthuraja Community. In that view of the matter, the impugned order cannot be sustained and resultantly, the impugned order is quashed.

5.Since the competent authority for issuing MBC Certificates is the Zonal Deputy Tahsildar as per G.O.(Ms)No.235, Revenue [RA3 (2)] Department, dated 26.06.2015, the Petitioner is at liberty to apply afresh before the Zonal Deputy Tahsildar, Gangavalli Taluk, Salem District for issuance of the MBC Community Certificate. The Zonal Deputy Tahsildar, Gangavalli Taluk, Salem District, on receiving such application from the Petitioner, shall consider the same on merits and in accordance with Law and shall pass orders after giving full opportunity to the Petitioner to establish his claim within a period of six weeks from the date of receipt of such application and shall send a Compliance Report

to the Registrar (Judicial) of this Court within two weeks thereafter.

6.The Writ Petition is disposed of with the aforesaid directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

Sgl

To

1. The District Collector
Salem District, Salem.
2. The District Revenue Officer,
Salem District, Salem.
3. The Tahsildar,
Gangavalli Taluk,
Salem District.
4. The Registrar (Judicial)
High Court, Madras.
[For information and necessary
follow up action]
5. The Zonal Deputy Tahsidar,
Gangavalli Taluk,
Salem District.

+ 1 cc to M/s.C.Prabhakaran, Advocate,SR.52051

+ 1 cc to The Govt.Pleader, SR.52765

NR 16/08/2017

W.P.No.10681 of 2017