

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN  
AND  
THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.No.43516 of 2016

C.Selvarani

...Petitioner

vs.

- 1.The Special Secretary -Cum - District Collector,  
Office of the District Collector,  
Government of Puducherry,  
Pondicherry.
- 2.The Deputy Collector (Revenue) North,  
Office of the Deputy Collector (Revenue) North,  
Government of Puducherry,Pondicherry.
- 3.The Tahsildar,  
Taluk Office, Pondicherry.
- 4.The Deputy Tahsildar,  
Taluk Office, Pondicherry.
- 5.The Village Administrative Officer,  
Murungapakkam Village,  
Pondicherry.
- 6.The Secretary to Government,  
Government of Puducherry,  
Department of Personnel and Administrative Reforms  
(Personnel Wing), Secretariat, Puducherry.
- 7.The Under Secretary to Government,  
Government of Puducherry,  
Department of Personnel and Administrative  
Reforms (Personnel Wing)  
Secretariat, Pondicherry.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified Mandamus, calling for records relating to impugned order vide No.1076/TOP/C/SC/2016 dated 29-03-2016, passed by the 3rd respondent and consequential impugned order vide No. 4583/DCR (N)/A2/2016/1573 dated 18-07-2016 passed by the 2nd respondent on Appeal and quash them as highly illegal, unlawful, arbitrary, unconstitutional and violative of basic principle of Natural Justice Audi Alteram Partrm and consequently direct

the respondent Nos. 1 to 3 to issue Community/ caste certificate to the petitioner for the caste of Hindu-Adi Dravida, which recognized as Schedule Caste (SC), as per the Constitution (Pondicherry) Schedule Castes Order, 1964 based on earlier community certificates issued by the 3rd respondent vide No. 285/TOP/C/2012 dated 19-07-2012 in favour of petitioner and community certificate's issued to petitioner's father, petitioner's brother, petitioner's sister and other family members of the petitioner.

For Petitioner : Mr.Prakash Adiapadam

For Respondents: Mr.Kumaran  
Government Advocate

O R D E R

K.K.SASIDHARAN, J.

This writ petition is directed against the order, dated 29 March 2016 whereby and where under, the Tahsildar, Puducherry Taluk, rejected the application submitted by the petitioner for issuance of a certificate indicating that he belongs to Hindu Adi Dravidar Community in accordance with the Constitution (Pondicherry) Schedule Castes Order, 1964.

2. The application submitted by the petitioner was rejected primarily on the ground that the Tahsildar received objection from four persons residing in the very same locality. According to the Tahsildar, those four persons informed him that the petitioner professes Christianity and the marriage of her parents was solemnized by following the tenets of Christianity. However, the objectors made a request not to reveal their names or identity. Though the Tahsildar accepted the objection submitted by the persons of the locality and rejected the application, he failed to indicate their names in the order. Feeling aggrieved by the denial of Scheduled Caste Certificate, the petitioner is before this Court.

3. When this writ petition came up for hearing on 28 February 2017, the learned counsel for the petitioner contented that notwithstanding the string of documents produced by the petitioner, the Tahsildar rejected her application by placing reliance on the discreet enquiry report.

4. Since the objection received by the Tahsildar from four persons of the locality was taken as the basic material to reject the application submitted by the petitioner for Community Certificate, we directed the District Collector and Tahsildar, Puducherry to appear before us.

5. When the writ petition was taken up for hearing today, the District Collector, Puducherry and the Tahsildar, who is the author of the order dated 29 March 2016 appeared before

6. When we pointed out to the District Collector and the Tahsildar as to whether it was proper to reject the application for Community Certificate by placing reliance on the discreet enquiry report and the objections received from certain persons of the locality with a request not to reveal their names, the officials jointly submitted that it was not correct and that they would look into the issue afresh.

7. The Tahsildar, Puducherry Taluk submitted before us that he is withdrawing the order dated 29 March 2016 and would conduct a fresh enquiry and pass orders on merits. We therefore permitted the Tahsildar to withdraw the order dated 29 March 2016 and pass appropriate orders taking into account the documents submitted by the petitioner and the enquiry conducted by him in accordance with law.

8. Since the order dated 29 March 2016 is withdrawn by the third respondent, nothing survives for further adjudication in the writ petition.

9. The Tahsildar, Puducherry Taluk, is directed to conduct enquiry pursuant to the application submitted by the petitioner and pass appropriate orders on merits and as per law. There shall be a further direction to the Tahsildar to deal specifically with the documents produced by the petitioner before taking a decision one way or the other. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

10. The writ petition is disposed of with the above direction. No costs.

Sd/-  
Asst.Registrar (CS VII )

/true copy/

Sub Asst. Registrar

To

1.The Special Secretary -Cum - District Collector,  
Office of the District Collector,  
Government of Puducherry,  
Pondicherry.

2.The Deputy Collector (Revenue) North,  
Office of the Deputy Collector (Revenue) North,  
Government of Puducherry, Pondicherry.

3.The Tahsildar,  
Taluk Office, Pondicherry.

4.The Deputy Tahsildar,  
Taluk Office, Pondicherry.

5.The Village Administrative Officer,  
Murungapakkam Village,  
Pondicherry.

6.The Secretary to Government,  
Government of Puducherry,  
Department of Personnel and Administrative Reforms  
(Personnel Wing), Secretariat, Puducherry.

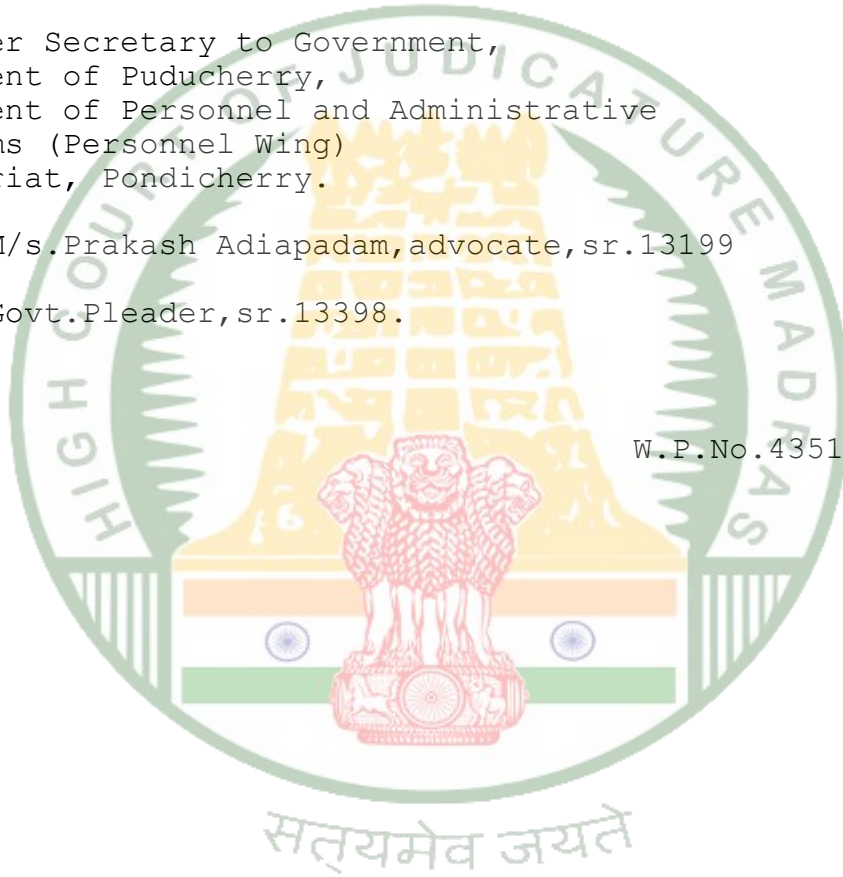
7.The Under Secretary to Government,  
Government of Puducherry,  
Department of Personnel and Administrative  
Reforms (Personnel Wing)  
Secretariat, Pondicherry.

+1 cc to M/s.Prakash Adiapadam,advocate,sr.13199

+1 cc to Govt.Pleader,sr.13398.

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krd 27/3

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