

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

W.P. No. 44135 of 2016 &
W.M.P.No.37969 of 2016

M.Raveendiran

...Petitioner

Vs

1.The Tahsildar,
Vandavasi Taluk,
Tiruvannamalai District.

2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified mandamus calling for the records pursuant to the order in O.Mu.Aa2/415/2016 dated 17.11.2016, passed by the first respondent and to quash the same as illegal and arbitrary and consequently direct the first respondent to issue Community Certificates to the petitioners sons viz. R.Vinodh Kumar and R.Varun Prasad as "Hindu Reddy Ganjam" community in accordance with Government order G.O.Ms.No.541 dated 24.07.1981 and circular in Na.Ka.No.E.2/2627/2011 dated 23.02.2011 issued by the second respondent.

For Petitioner : Mr.Dr.G.Krishnamurthy

For Respondents : Mr.K.Dhananjayan,

Special Government Pleader

O R D E R

K.K.SASIDHARAN, J.

The application submitted by the petitioner for issuance of Community Certificate to his children, namely R.Vinodh Kumar and R.Varun Prasad was rejected by the Tahsildar, Vandavasi, by order dated 17 November 2016. The order is under challenge in this Writ Petition primarily on the ground that none of the documents produced by the petitioner was considered by the Tahsildar before rejecting the community status claim made by him.

2. We have heard the learned counsel for the petitioner. We have also heard the learned Special Government Pleader on behalf of the respondents.

3. The petitioner was a Government Employee. The petitioner retired as Block Development Officer. According to the petitioner, he belongs to 'Ganjam Reddy', which is a Backward Community.

4. The petitioner submitted application for Community Certificate on the ground that his near relatives are in possession of such certificates and as such, his children are also entitled to the Backward Community Certificate.

5. The application submitted by the petitioner was referred to the Village Administrative Officer for enquiry and report. The Village Administrative Officer appears to have recommended the case of the petitioner for issuance of Community Certificate to his children. The Tahsildar appears to have taken another report from the Revenue Inspector. The report submitted by the Revenue Inspector was not in favour of the petitioner. The Tahsildar, therefore, rejected the application.

6. The petitioner placed reliance on the sale deed dated 19 June 1990, wherein, his community was shown as 'Ganjam Reddy'. The Tahsildar wanted the petitioner to produce his service certificate. However, the said certificate was not produced. Before this Court, the petitioner produced his service certificate, indicating the name of his father as 'Mannarreddy'. The petitioner also placed reliance on the certificate issued to Ms.Vinitha and Ms.Vidhya, the children of Thiru.Ramachandran, who is related to the petitioner through his wife.

7. The order passed by the Tahsildar does not contain any indication regarding the consideration of the documents produced by the petitioner. It is true that the petitioner has not produced the service certificate before the Tahsildar and the said fact was referred to in the order impugned this Writ Petition.

8. The petitioner has produced a genealogy indicating his relationship with Ramachandran. It is for the Tahsildar to conduct enquiry in the village and decide as to whether Ramachandran is a blood relative of the petitioner and as to whether the certificate issued to the children of the said Ramachandran can be taken as a basic material to decide the community status of the petitioner and children. Since the material documents were not considered by the Tahsildar before rejecting the claim made by the petitioner, we are inclined to set aside the order impugned in this Writ Petition.

9. In the result, the order dated 17 November 2016 is set aside. The issue is referred to the Tahsildar, Vandavasi for fresh consideration. The petitioner is directed to file a written statement before the Tahsildar. He should indicate in the said statement, the documents he is relying on in support of his claim for Community status. The Tahsildar is directed to verify those documents, conduct enquiry in the locality in question and take a decision on merits and as per law. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order. We make it clear that the enquiry shall be conducted by the Tahsildar personally without referring the matter to his subordinates. The Tahsildar is directed to give a personal hearing to the petitioner after conducting enquiry in the village and before passing orders on merits.

The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

dm/gms

To

1.The Tahsildar,
Vandavasi Taluk,
Tiruvannamalai District.

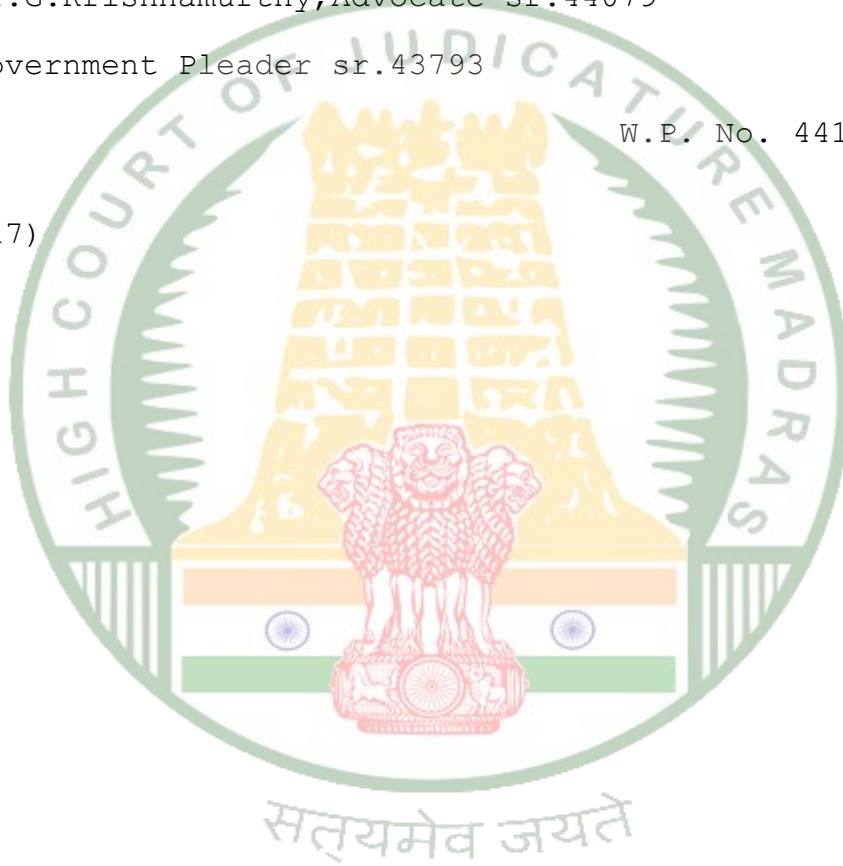
2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

+1cc to Dr.G.Krishnamurthy,Advocate sr.44079

+1cc to Government Pleader sr.43793

W.P. No. 44135 of 2016

kk(co)
ss(5/7/2017)



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