



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2017

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND**

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.21337 of 2015
and
M.P(MD)No.1 of 2015

N.Ravikumar : Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
Thenkasi,
Tirunelveli District.

4.The Tahsildar,
Shencottai Taluk,
Shencottai, Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus calling for the records of the fourth respondent in x.K.m5/495/2015> dated 23.01.2015 issued to the petitioner and quash the same as illegal and consequently direct the fourth respondent to issue Hindu Kavara Scheduled Caste Community Certificate to the petitioner, petitioner's son by name Ravikumar Jayaditya and petitioner's daughter by name Ravikumar Thanvi, on the basis of the application submitted on 20.01.2015 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.R.R.Kannan

For Respondents : Mr.S.Chandrasekar,
Government Advocate

ORDER

[Order of the Court was made by **R.SUBBIAH, J.**]

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in x.K.m5/495/2015, dated 23.01.2015 issued to the petitioner, quash the same as illegal and consequently direct the fourth respondent to issue Hindu Kavara Scheduled Caste Community Certificate to the petitioner, petitioner's son by name Ravikumar Jayaditya and petitioner's daughter by

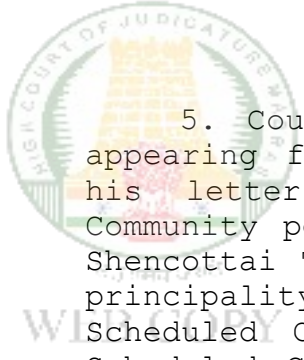


name Ravikumar Thanvi, on the basis of the application submitted on 20.01.2015 within a stipulated time.

2. It has been averred in the petition that the petitioner belongs to 'Hindu Kavara' community, which comes under the Scheduled Caste category. He was born to one Ramanujam and Nagavalli Ammal on 18.02.1971. His biological parents have given him in adoption to one Narayanasamy and Valliammal, by way of a registered adoption deed bearing No.4/1981, dated 22.01.1981, since his adopted parents had no issues. In fact, his adopted father is the brother of his biological mother. His biological parents belong to Puliangudi Village in Tirunelveli District and his adopted parents belong to Puliarai Village in Sengottai Taluk, Tirunelveli District. They are all belonging to Hindu Kavara Community, which comes under the category of Scheduled Caste. On completion of Higher Secondary Course, the School has issued the Transfer Certificate to the petitioner stating that he belongs to Hindu Kavara Scheduled Caste Community. Thereafter, he had gone to Singapore on employment assignment during 2004 and on 27.11.2006, he married one Sasireka hailing from Bangalore. Due to the wedlock, they have been blessed with a male child by name Ravikumar Jayaditya, who was born on 28.06.2010 and subsequently, on 01.12.2014, a female child by name Ravikumar Thanvi was born. The petitioner submitted an application for issuance of Hindu Kavara Scheduled Caste Community Certificates to him as well as to his children, to the fourth respondent on 20.01.2015, on the basis of the Community Certificates issued to his brothers, namely Seetharaman and Duraisamy, who were born to his adopted father Narayanasamy through his second wife Angammal. To prove his community status, he has also produced several documents, like family card and identity card issued by the Election Commission of India, wherein it was stated that he belongs to Puliarai Village. Apart from that, his adopted father had a brother, by name Durairaj and the son of Durairaj, viz., Thiruppathi was also issued with Hindu Kavara Scheduled Caste Community Certificate by the fourth respondent on 09.10.1995. The Village Administrative Officer, Puliarai Village has also recommended to the Revenue Inspector for issuing a Community Certificate to the petitioner and his children on 21.01.2015. However, the fourth respondent rejected his claim on the ground that there is no evidence to show that the petitioner belongs to Puliarai Village and he has not submitted any document in support of his claim. Aggrieved over the same, he is before this Court with the present Writ Petition.

3. Today when the matter was taken up for consideration, the learned counsel appearing for the petitioner made a detailed argument by adverting to the averments made in the affidavit filed in support of the Writ Petition and he has also drawn the attention of this Court to the Transfer Certificate issued to the petitioner dated 20.05.1991 and also the Community Certificates issued to his brother dated 13.09.2005 and the Community Certificate issued to his cousin dated 09.10.1995, wherein Community Certificates were issued as though they belong to 'Hindu Kavara Community'.

4. The learned counsel appearing for the petitioner, by relying on the documents referred to above, sought for suitable direction to issue Community Certificate to the petitioner and his children.



5. Countering the said statement, the learned Government Advocate appearing for the respondents submitted that the District Collector in his letter dated 08.10.2012 has categorically stated that Kavara Community people is a Scheduled Caste found in Kanyakumari District and Shencottai Taluk, Tirunelveli District have their roots in the erstwhile principality of Cochin and hence, they do not belong to Hindu Kavara Scheduled Caste Community and that is the reason why, Hindu Kavara Scheduled Caste Community Certificate was not issued to the petitioner and his children.

6. We have considered the submissions made on both sides and also perused the materials available on record.

7. In support of the contention, the learned counsel for the petitioner relied upon a judgment of a Division Bench of this Court in the case of **S.Ramakrishnan vs. the District Collector and another** reported in **2013(2) CWC 651**, wherein it has been held that 'the petitioner's brothers are already issued with Community Certificate and therefore, the respondents are bound to issue Community Certificate to the petitioner'.

8. In similar line, a Division Bench of this Court in the case of **C.V.Kalaivanan v. The Sub Collector, Mettur Dam** reported in **2010(3) CTC 673**, has held that if parents and brother were issued with Community Certificates, the children of that person cannot be denied Community Certificate on any ground, unless and until the Community Certificate issued to the parent/relative is cancelled.

9. In view of the above stated position, the impugned order of the fourth respondent, dated 23.01.2015, is set aside and the matter is remitted back to the fourth respondent for fresh consideration. The fourth respondent is directed to issue notice to the petitioner to appear for enquiry and on receipt of the same, the petitioner is directed to appear for enquiry along with relevant documents. On production of the same, the fourth respondent is directed to conduct enquiry and thereafter, pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

10. The Writ Petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar[CS-II]

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The District Revenue Officer,
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4.The Tahsildar,
Shencottai Taluk,
Shencottai,
Tirunelveli District.

+1cc to MR.R.R.Kannan, Advocate in SR.8703/17

+1cc to Special Government Pleader in SR.8662/17

Order made in
W.P.[MD].No.21337 of 2015
Dated: 15.02.2017

SML

KK-PMPN-SAR3-27.02.17-4P-7c