



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.(MD) No.22635 of 2015

M.Ramasamy

... Petitioner

-vs-

1. The Member Secretary
The District Vigilance Committee
Dindigul District

2. The District Collector
Dindigul, Dindigul District

3. The Revenue Divisional Officer
Dindigul

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the first respondent Na.Ka.No.H1/24679/15, dated 27.10.2015 and quash the same as illegal and consequently to direct the respondents to issue Malaivedan Community Certificate to the petitioner's Children, namely, Prasad and Sridevi, within the stipulated period.

For Petitioner : Mr.B.Jeyakumar

For Respondents : Mr.S.Chandrasekar, Govt. Advocate

O R D E R

[Order of the Court by T.S.SIVAGNANAM, J.]

Heard Mr.B.Jeyakumar, learned counsel appearing for the petitioner, Mr.S.Chandrasekar, learned Government Advocate appearing for the respondents and perused the materials produced.

2. The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order, dated 27.10.2015, passed by the first respondent, whereby and whereunder, the petitioner's request for grant of Community Certificate, as Malaivedan Community Certificate, to his children, namely, Prasad and Sridevi has been rejected and to direct the first respondent to issue Malaivedan Community Certificate to his children.



3. It is seen that the first respondent, after affording an opportunity of personal hearing to the petitioner, rejected his request for issuance of a Community Certificate as Malaivedan Community on the ground that the petitioner has not produced any proof to show that he belongs to the said Community.

4. The learned counsel appearing for the petitioner, after elaborately referring to the facts, submitted that in the deposition given before the first respondent / District Vigilance Committee, the petitioner has clearly stated about his relatives, who belonged to the said community.

5. In our considered view, this submission does not merit consideration for the simple reason that the onus is on the part of the petitioner to prove his statement. A mere oral statement without any documentary proof will noway support of the petitioner's claim. Further, reference to the genealogy chart issued by the Village Administrative Officer is of little avail and the petitioner cannot rely upon the same. Hence, for all these reasons, we are of the view that there is no error in the impugned order passed by the first respondent and the writ petition is, therefore, liable to be dismissed.

6. In the result, the writ petition fails and it is dismissed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Member Secretary,
The District Vigilance Committee,
Dindigul District.
2. The District Collector,
Dindigul, Dindigul District.
3. The Revenue Divisional Officer,
Dindigul.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 19408

KRK

TE/JC : 19/04/2017 : 2P/5C
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