



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.13004 of 2017

G.Maruthiah

... Petitioners

vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Zonal Deputy Tahsildar,
Madurai East Taluk,
Madurai District.

4.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned community certificate dated 03.07.2017 issued by the third respondent in certificate No.F9666A8A6A687D86, dated 03.07.2017 and quash the same as illegal and further direct the respondents to issue community certificate to petitioner's son namely M.Meenakshisundaram as de-notified tribe - Most Backward Class.

For Petitioner : Mr.Sivanesh
For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J)

By order of both parties, this writ petition itself taken up for final disposal.



2.The petitioner has filed this case as a party in person. He is aggrieved by the endorsement made in the community certificate, dated 03 July 2017 issued by the third respondent herein in certificate No.F9666A8A6A687D86 referring the community of his son as a Backward Class. The petitioner hails from the erstwhile old Ramanathapuram District and belongs to "Hindu Ramnad Maravar community", which has been classified as de-notified tribe and categorized as a Most Backward Class community. In support of his claim he has enclosed his community certificate issued on 09 April 1990 by the Tahsildar, Srivilliputhur Taluk. It is clearly mentioned in the said community certificate that the writ petitioner belongs to Hindu Maravar Community which is recognized as a de-notified tribe. Similarly, his wife V.Selvarani has also been issued with a Community Certificate dated 25 July 1994 indicating that she belongs to Hindu Maravar Community which is recognized as a de-notified Community. But, their son M.Meenakshi Sundaram has now been issued with a community certificate, which though states that he belongs Maravar community, puts him under the Backward Class category. This is because the petitioner migrated to Madurai from Virudhunagar District and is having his address at Appanthiruppathi, Madurai East, Madurai District.

3.In Madurai, the said community certificate is not recognized as a de-notified tribe. But the third respondent failed to take note of the community certificate issued in favour of the petitioner herein, while issuing the community certificate for the son.

4.In this regard, the learned Additional Government Pleader appearing for the respondents brought to our attention G.O.Ms.No.95, Backward Classes and Most Backward Classes and Minority Welfare Department, dated 28 October 2009. In the said Government Order, it has been mentioned that certain communities are classified as Backward Classes or Most Backward Classes or De-notified Tribe only in certain districts. When migrated to other places, the competent authorities in the migrated places can issue community certificate based on the community certificates issued in favour of the parents of the applicant.

5.The third respondent herein while issuing the community certificate for Meenakshi Sundaram, son of the petitioner herein did not keep in mind the instructions issued by G.O.Ms.No.95, Backward Classes and Most Backward Classes and Minority Welfare Department, dated 28 October 2009.

6.Therefore, the impugned community certificate is quashed and the matter is remitted to the file of the third respondent with a direction to issue a fresh community certificate in favour of M.Meenakshi Sundaram, based on the community certificate of the petitioner herein and his wife V.Selvarani. Such exercise shall



be completed with in a period of eight weeks from the date of receipt of a copy of this order.

7. This writ petition is allowed as indicated above. No costs.
Sd/-

Assistant Registrar (RTI)

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/True Copy/

Sub Assistant Registrar.

To

1. The District Collector,
Madurai District,
Madurai.

2. The District Collector,
Virudhunagar District,
Virudhunagar.

3. The Zonal Deputy Tahsildar,
Madurai East Taluk,
Madurai District.

4. The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

+1CC to Mr. G. Maruthiah, Party-in-person, SR.No. 65837

+1CC to the Special Government Pleader SR.No. 65884

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14.07.2017

skm/Arul

AM/SKN RSK/SAR 4/24.07.2017/3P/7C