



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.01.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**
AND
THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P. [MD].No.17138 of 2016

M.Maran : Petitioner

Vs.

1.State Rep. by,
The Principal Secretary,
Revenue Department,
Secretariat,
Fort St. George,
Chennai-9.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.The Tahsildar,
Taluk Office,
Cheranmahadevi Taluk,
Cheranmahadevi,
Tirunelveli District.

4.The Village Administrative Officer,
Pattamadai Village,
Cheranmahadevi Taluk,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in application No.CAN 0332915000754 App ID 2016/0204/29/023130 and in application No.CAN 0332915000755 App ID 2016/0204/29/023138, dated 17.05.2016 passed by the respondent No.3 and quash the same as illegal and consequently, to direct the respondent No.3 to issue Community Certificate for the petitioner's sons named Kavin Nilavan and Yazh Nilavan.

[prayer amended as per the order of this Court dated 09.01.2017,
<https://hcservices.ecourts.gov.in/hcservices/>
IN W.M.P. (MD) NO.332 of 2017]



For Petitioner : Mr.T.Lajapathi Roy,
For Mr.S.Lenin Prabu
For Respondents : Mr.N.S.Karthikeyan,
Additional Government Pleader

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O R D E R

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

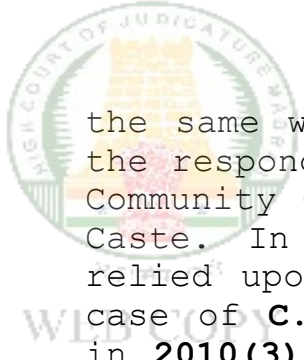
The present Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in application No.CAN 0332915000754 App ID 2016/0204/29/023130 and in application No.CAN 0332915000755 App ID 2016/0204/29/023138, dated 17.05.2016 passed by the respondent No.3 and quash the same as illegal and consequently, to direct the respondent No.3 to issue Community Certificate for the petitioner's sons named Kavin Nilavan and Yazh Nilavan.

2. The case of the petitioner is that he has permanent residence at Door No.52, Dr.Ambedkar Nagar, 5th Street, Pattamadai, Cheranmahadevi Taluk, Tirunelveli District and he has applied for Caste Certificate for his sons viz., Kavin Nilavan and Yazh Nilavan. However, the request of the petitioner was rejected by the third respondent stating that he was not living at his permanent residence. Though the petitioner has the permanent residence at the above mentioned place and produced the ration card to prove the same, the third respondent rejected his claim. Hence, this Writ Petition.

3. Opposing the prayer made by the petitioner, the third respondent filed a counter-affidavit. The sum and substance of the counter-affidavit is as follows:

Pursuant to the application made by the petitioner for issuance of Community Certificate to his sons, viz., Kavin Nilavan and Yazh Nilavan, the Village Administrative Officer, Pattamadai, conducted an enquiry and found that the petitioner belongs to Scheduled Caste Community and his wife belongs to Most Backward Class Community and their marriage was an inter-caste marriage. Furthermore, as per G.O.Ms.No.477, dated 27.06.1975, declaration of parents in the case of inter-caste, couple has to be submitted regarding the way of life in which the children are brought up. The petitioner has not furnished the said declaration so far. The petitioner has also refused to co-operate with the enquiry conducted by the Village Administrative Officer, Pattamadai and since the petitioner is residing at Madurai and not at Pattamadai for the past ten years, his application for issuance of Community Certificate was rejected.

4. Today, when the matter came up for consideration, the petitioner submitted that as on date the petitioner is possessing Scheduled Caste Community Certificate and



the same was not cancelled so far. When that being the position, the respondents cannot deny the request of the petitioner to issue Community Certificate to his children as they belong to Scheduled Caste. In this regard, the learned counsel for the petitioner relied upon a judgment of 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**, wherein it has been 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.

5. The learned Additional Government Pleader for the respondents would submit that in the case on hand, the wife of the petitioner does not belong to Scheduled Caste Community and since their marriage is an inter-caste marriage, the petitioner has to appear for enquiry to give necessary declaration, as per G.O.Ms.No.477, dated 27.06.1975. Thus, the judgment relied on by the learned counsel for the petitioner is not applicable to the case on hand. If the petitioner co-operates with the enquiry conducted by the Village Administrative Officer, his request with regard to issuance of Community Certificate would be considered on merits.

6. In view of the above stated position, the impugned order dated 17.05.2016 is set aside and the respondents are 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 and furnish necessary declaration. On production of the same, the respondents are directed to consider the same and pass appropriate orders, by taking note of the fact that the petitioner's Community Certificate as belonging to Scheduled Caste is not cancelled so far, within a period of four weeks thereafter.

7. The Writ Petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

SML

To

1.The Principal Secretary,
Revenue Department,
Secretariat,
Court St. George,
Chennai-9.



2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.The Tahsildar,
Taluk Office,
Cheranmahadevi Taluk,
Cheranmahadevi,
Tirunelveli District.

4.The Village Administrative Officer,
Pattamadai Village,
Cheranmahadevi Taluk,
Tirunelveli District.

+1cc to Mr.S.Lenin Prabu,Advocate Sr.No. 2466

+1cc to Spl.Government Pleader Sr.No. 2788

JAM/31.01.2017/ MSA-CM/SAR 3/4p-7c

ORDER MADE IN
W.P. [MD] .No.17138 of 2016
Dated:
12.01.2017
(1/2)