

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.08.2018

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THE HON'BLE MR.JUSTICE R.SUBBIAH
and
THE HON'BLE MR.JUSTICE R.PONGIAPPAN

W.P.No.31870 of 2017
and
W.M.P.No.35020 of 2017

P.Saravanan Petitioner

Vs.

The Revenue Divisional Officer,
Ambattur, Chennai-600 101. Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the respondent made in Mu.Mu.1246/2017/A4 dated 16/5/2017 and to quash the same and consequently, to direct the respondent to issue ST Kondareddi Community Certificate in favour of the children of the petitioner viz., P.S.Keerthana, S.Mukunthan, based on the order passed in W.P.No.17220/1994, dated 23.05.1996.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.K.Rajendra Prasad, AGP

ORDER

(Order of the Court was delivered by R.SUBBIAH, J.,)

This writ petition has been filed by the petitioner praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the respondent made in Mu.Mu.1246/2017/A4 dated 16/5/2017 and to quash the same and consequently, to direct the respondent to issue ST Kondareddi Community Certificate in favour of the children of the petitioner viz., P.S.Keerthana, S.Mukunthan, based on the order passed in W.P.No.17220/1994, dated 23.05.1996.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner that his father namely N.Paluchamy was born at Alagianallur Village, Kariapatti Taluk, Virudhunagar District. He migrated to Chennai 50 years ago for his employment. The petitioner's father belongs to Hindu Konda Reddy Community and was issued with community certificate on 05.04.1980 as he belongs to the said community. The petitioner was born on 26.07.1976 at No.53, Dr.Radhakrishnan Road,

Mylapore, Chennai and his birth has been registered under Section 17 of the Registration of Birth and Death Act vide Reg.No.1969. The petitioner is having two children viz., P.S.Keerthana and S.Mukunthan, who were born on 18.03.2004 and 06.07.2008 respectively. The petitioner had obtained community certificate on 27.06.1981 from the Deputy Collector-cum-P.A. to Collector (Rehabilitation), Chennai, which would reveal that the petitioner belongs to Hindu Konda Reddy Community. Moreover, the transfer certificate issued to the petitioner by the Velammal Matriculation School, would also show that the petitioner belongs to Hindu Konda Reddy (ST) community. Earlier, the petitioner had filed a writ petition in W.P.No.17220 of 1994 before this Court, wherein this Court held that the Community Certificate issued by the Tashildar to the petitioner is valid. While this being the position, when the petitioner made an application dated 28.11.2013 to the Revenue Divisional Office, Amabattur, (respondent herein) to issue community certificate to his son and daughter, the same was rejected by the respondent by way of the impugned order. Aggrieved over the same, the present writ petition has been filed.

3. When the matter is taken up today for consideration, the learned counsel for the petitioner has made an elaborate argument adverting to the averments made in the affidavit.

4. The learned Additional Government Pleader appearing for the respondent, by filing a counter affidavit, submitted that the petitioner's father had migrated to Chennai 50 years ago and the petitioner is residing at Amabttur division. Under such circumstances, it is very difficult to enquire and ascertain the community of the petitioner. Further, the learned Additional Government Pleader would submit that as per G.O.Ms.No.235, Revenue [RA3(2)] Department, dated 26.06.2015, the petitioner has appeal remedy before the District Collector. But, without availing the appeal remedy, the petitioner has approached this Court. Thus, he sought for dismissal of the writ petition.

5. Heard both sides and perused the materials available on record.

6. It is seen that the petitioner's father was issued with a community certificate on 05.04.1980 stating that he belongs to Hindu Konda Reddy Community. The petitioner has also obtained community certificate on 27.06.1981 to the effect that he also belongs to Hindu Konda Reddy Community. Earlier, the petitioner has also filed a writ petition in W.P.No.17220 of 1994 and this Court has held that the community certificate issued to the petitioner is valid. When the community certificate issued to the petitioner has not been cancelled, his children cannot be denied from issuance of community certificate. Under such circumstances, the impugned order passed by the respondent is not legally sustainable. Therefore, We are of the opinion that it would be appropriate to set aside the impugned order, with proper direction to the respondent.

7. Accordingly, the impugned order is set aside and the respondent is directed to issue Community Certificate to the children of the petitioner. Thereafter, the community certificate of the father as well as the children may be forwarded to the State Level Scrutiny Committee, for verification. It is made clear that the issuance of community certificate to the petitioner and his children is subject to the verification by the State Level Scrutiny Committee.

With the above terms, this writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

-s/d-

Assistant Registrar (CCC)

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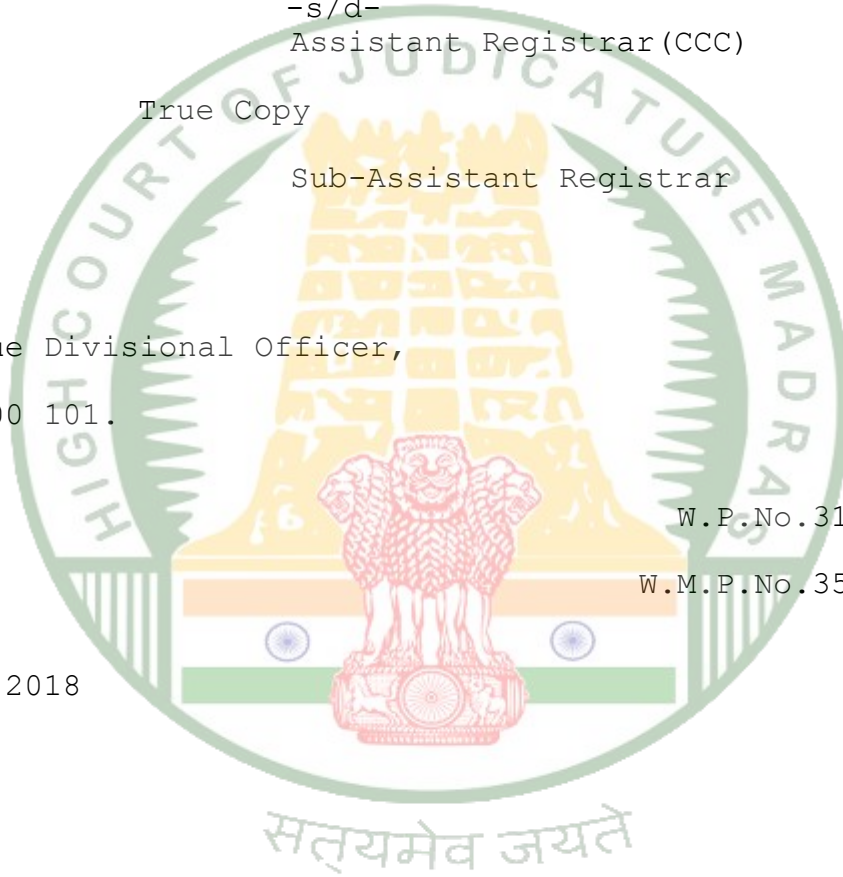
Sub-Assistant Registrar

ssv

To,
The Revenue Divisional Officer,
Ambattur,
Chennai-600 101.

W.P.No.31870 of 2017
and
W.M.P.No.35020 of 2017

JP (CO)
CSL/16.10.2018



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