

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2018

CORAM:

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

W.P.No.25388 of 2018
and
W.M.P.No.29573 of 2018

M.Jancy .. Petitioner
Vs.

1. The Revenue Divisional Officer,
Thiruvallur,
Thiruvallur District.
2. The Revenue Divisional Officer,
Chengalpattu,
Kancheepuram District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings in Na.Ka.1290/2018/A4, dated 11.05.2018 on the file of the first respondent and consequential order passed by the second respondent in Na.Ka.No.2851/2018/E, dated 03.09.2018, quash the same and direct the first respondent to issue Community Certificate to the petitioner's son P.Mukil Prathyun that he belongs to "Muthuvan (ST) Community" based upon the Community Certificate already issued to the petitioner and his family members.

For petitioner : Mr.S.Doraisamy
For respondents: Mr.K.Rajendra Prasad, Addl.G.P.

ORDER

(The Order of the Court was made by R.Subbiah, J)

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings in Na.Ka.1290/2018/A4, dated 11.05.2018 on the file of the first respondent and consequential order passed by the second respondent in Na.Ka.No.2851/2018/E, dated 03.09.2018, quash the same and direct the first respondent to issue Community Certificate to the petitioner's son P.Mukil Prathyun that he belongs to "Muthuvan (ST) Community" based upon

the Community Certificate already issued to the petitioner and his family members.

2. It is the case of the petitioner that she belongs to Muthuvan Community, which is classified as Scheduled Tribe Community. Her father M.Muthu obtained Community Certificate from the Tahsildar, Sriperumbudur on 04.11.1985 stating that he belongs to Muthuvan (ST) Community. The petitioner and his sister M.Mathivathani obtained Community Certificate from the second respondent on 26.05.2009. It is further stated by the petitioner that they are permanent residents of Avadi residing more than 40 years. Only for a period of three years, for interim arrangements, they were residing at Vandalur Otteri, Kancheepuram District from 2006 to 2009. Now, the place of residence of the petitioner falls within Thiruvallur Division. Hence, the petitioner preferred an application on 18.07.2017 to the first respondent requesting to issue Community Certificate to her son P.Mukil Prathyun (aged about 3-1/2 years). For the past two years, the petitioner is living separately with her son because her husband deserted her. The first respondent, on receipt of her application, conducted detailed enquiry and concluded that they belong to Muthuvan (ST) Community. However, the first respondent-RDO, Thiruvallur, by the impugned order dated 11.05.2018, informed the petitioner that she should obtain Community Certificate only from the second respondent-RDO, Chengalpattu and as per G.O.Ms.No.61, Adi Dravidar and Tribal Welfare Department, dated 04.04.2005, the petitioner can approach the second respondent to get Community Certificate. It is further stated by the petitioner that as per the instructions of the first respondent, she preferred an application to the second respondent to issue Community Certificate to her son. However, the second respondent, by the impugned order dated 03.09.2018, rejected her claim stating that she is not residing at Chengalpattu Division. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

3. The only submission made by the learned counsel for the petitioner is that the petitioner has been made to run from pillar to post by approaching the respondents for issuance of Community Certificate. Hence, she has approached this Court.

4. When this Writ Petition came up for hearing on 11.10.2018, this Court directed the respondents to appear before this Court on 22.10.2018. Subsequently, when the matter was taken up for hearing on 24.10.2018, the first respondent-RDO, Thiruvallur was present before this Court. This Court consulted the first respondent as to whether who is the proper authority to issue Community Certificate on the facts of this case. Upon hearing him, it is seen that the proper authority to issue the Community Certificate to the petitioner's son, is the second

respondent-RDO, Chengalpattu, Kanchipuram District.

5. Accordingly, learned counsel appearing for petitioner and also the learned Additional Government Pleader appearing for the respondents submitted that the second respondent-Chengalpattu, may be directed to pass orders on the request of the petitioner to issue Community Certificate to her son.

6. Hence, both the impugned orders are set aside. The matter is remitted back to the second respondent-RDO, Chengalpattu, who shall conduct enquiry, afford an opportunity of hearing to the petitioner and other necessary parties, if any and if the request of the petitioner is otherwise in order and in accordance with law, the second respondent-Chengalpattu shall issue Community Certificate to the petitioner's son, within a period of eight weeks from the date of receipt of a copy of this order. The said Community Certificate shall be issued by the second respondent-Chengalpattu, if there is no legal impediment in issuing the same. It is made clear that this Court has not adjudicated on merits of the case and it is only for the second respondent-Chengalpattu to act purely on merits while issuing Community Certificate in accordance with law.

7. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, W.M.P. is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Thiruvallur,
Thiruvallur District.

2. The Revenue Divisional Officer,
Chengalpattu,
Kancheepuram District.

+1cc to Mr.S.Doraisamy Advocate, S.R.No. 72839
+1cc to the Government Pleader, S.R.No. 73478

W.P.No.25388 of 2018

JP (CO)
GN (27/11/2018)