



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2018

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P. (MD) No.4520 of 2018
and
W.M.P. (MD) Nos.4622 and 4623 of 2018**

P.Venkatesan

... Petitioner

-vs-

1. The District Collector,
Karur District,
Karur.

2. The Revenue Divisional Officer,
Kuzhithalai, Karur District.

3. The Tahsildar,
Krishnarayapuram Taluk,
Karur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the impugned order passed by the 2nd respondent in Na.Ka.A2/4893/2016 dated 04.08.2017 and to quash the same as illegal and further direct the 2nd respondent to issue community certificate to the petitioner's children Saran and Sivaharish as Kattunayakkan Community as classified in Schedule Tribe List within the period that may be stipulated by this Court.

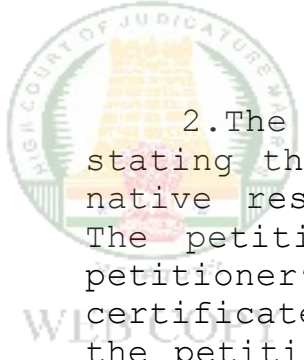
For Petitioner : M/S.K.R.Laxman

For Respondents : Mr.V.R.Shanmuganathan, Spl.G.P.

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard Mr.K.R.Laxman, learned counsel for the petitioner and
Mr.V.R.Shanmuganathan, learned Special Government Pleader
<https://hcservices.ecourts.gov.in/hcservices/>
appearing for the respondents.



2.The petitioner applied for grant of community certificate stating that he belongs to Hindu Kattunayakkan community and his native residence is Krishnarayapuram village in Karur District. The petitioner's brother has been issued a certificate. The petitioner's brother P.Balusamy has been issued a community certificate by a Tahsildar, Kulithalai during 1974 and therefore the petitioner requested that a community certificate to be given to him certifying that his children belong to Hindu Kattunayakkan community. This application submitted by the petitioner appears to have been directed to be enquired into and necessary orders were passed by the second respondent directing the third respondent to conduct an enquiry. The petitioner pleads ignorance of any such enquiry being conducted as he did not have any notice of such enquiry. Further, from the impugned order, it is seen that the third respondent has submitted a report dated 19.06.2017 and the full contents of the report has not been made to the petitioner except by stating in the impugned order that the petitioner's native district is Dindigul.

3.The learned counsel for the petitioner would submit that there is no basis for such a finding that the petitioner is absolutely no connection with Dindigul District. That apart, without affording an opportunity to the petitioner to put forth his objection, the impugned order has been passed. On a perusal of the impugned order, we find that the petitioner was not issued any show cause notice pursuant to the report of the third respondent dated 19.06.2017. This report admittedly being adverse to the interest of the petitioner, copy of the same ought to have been furnished and the petitioner should have been given an opportunity to put forth his contentions/objections to such report. It is only thereafter the second respondent after conducting an enquiry could have passed an order. Since this basic parameters have not been followed, the impugned calls for interference.

4.Accordingly, the writ petition is allowed and the impugned order is set aside. However, direction is issued to the second respondent to issue show cause notice to the petitioner enclosing the copy of the third respondent's report dated 19.06.2017, give reasonable time to the petitioner to submit his objection for which the petitioner be heard in person and decision should be taken in accordance with law. The above direction to be completed within a period of 8 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

1. The District Collector,
Karur District,
Karur.

2. The Revenue Divisional Officer,
Kuzhithalai, Karur District.

3. The Tahsildar,
Krishnarayapuram Taluk,
Karur District.

+ 1 cc TO M/S.K.R.Laxman , Advocate in SR No. 52628

+ 1 cc TO The Special Government Pleader in SR No. 53360

Arul

AE/CVC/SAR2/16.03.2018/3P/6C

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and

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