



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.5667 of 2018

G.Nagammal

.. Petitioner

Vs.

1. The Sub Collector,
Cheranmahadevi Division,
Tirunelveli District.

2. The District Collector,
Tirunelveli.

3. The Director,
ST Research Centre,
Udagammangalam.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent vide Pro.No.A2/4741/2017 dated 19.05.2017 and quash the same and consequently direct the 1st respondent to grant community certificate to her children viz., K.Isakkimala, Anandajodhi, Manikandan and Nandhini within a specific within a specific time frame as fixed by this Court.

For Petitioner : Mr.K.Muthu Ganesa Pandian

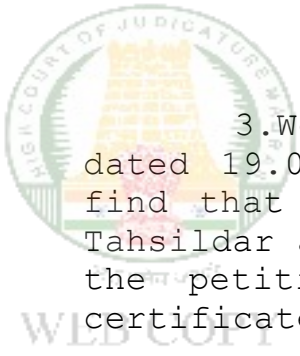
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

The petitioner is aggrieved by the order passed by the first respondent restricting the request made by her for issuing community certificate to her children namely Esakkimala, Anandajodhi, Manikandan and Nandhini.

2.Challenge to the impugned order is not on merits of the finding rendered by the first respondent, but on the ground that it is in violation of principles of natural justice.



3. We have perused the order passed by the first respondent dated 19.05.2017, which is impugned in this writ petition. We find that the first respondent has referred the reports of the Tahsildar and the third respondent and came to the conclusion that the petitioner's children are not entitled to get community certificate as they are belonging to Katunaickan community.

4. Before taking a decision by the first respondent, an opportunity of personal hearing ought to have been given to the petitioner, since the petitioner does not know as to what is the finding given by the Tahsildar in his report dated 27.01.2017 and what is the observation made by the third respondent in his letter dated 21.02.2017.

5. Therefore, we convince that the impugned order has been passed in violation of principles of natural justice. Therefore, on the said ground alone, we are inclined to interfere with the impugned order and we make it clear that we have not rendered any finding on the merits of the matter that there were records as the children of the petitioner for being certified as belonging to Hindu Kattunaickan Community and it is being abandoned only on the ground of the violation of principles of natural justice.

6. In the result, the order impugned in this Writ Petition is set aside and the matter is remanded back to the first respondent for fresh consideration. The first respondent is directed to furnish a copy of the report of the Tahsildar in his letter No. 54/6005/16 dated 27.01.2017 and the report of the third respondent in his letter dated 21.02.2017 to the petitioner and issue show cause notice to the petitioner and afford an opportunity to the petitioner to submit her objections. After receipt of objections, the first respondent shall afford an opportunity of personal hearing to the petitioner and then pass a reasoned order on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.courts.gov.in/hcservices>
The Sub Collector,
Cheranmahadevi Division,
Tirunelveli District.



2. The District Collector,
Tirununelveli.

3. The Director,
ST Research Centre,
Udagammangalam.

+1cc to Mr.K.Muthu Ganesa Pandian, Advocate SR.No.56776
+1cc to The Spl. Government Pleader Sr.No.56544

TA

VB/SV/MMS/SAR1/03.04.2018/3P/6C

ORDER MADE IN
W.P(MD) No.5667 of 2018
19.03.2018