

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH  
AND  
THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

W.P.NO.38554 OF 2003  
AND  
W.P.M.P.NO.46786 OF 2003

K.M.Ponnusamy

... Petitioner

... Vs ...

The Revenue Divisional Officer,  
Sankagiri, Salem District.

... Respondent

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified mandamus, to call for the records relating to the proceedings in Na.Ka.No.668/03 (D), dated 10.12.2003 of the respondent and quash the order passed therein and consequently direct the respondent to issue community certificates to the petitioner's grand children viz., V.Haripriya (14 years), V.Krishnapriya (16 years) and V.Hariharan (10 years) children of the petitioner's second son P.Vasudevan and M.Yashwantini (10 years), d/o. P.Mahendran, petitioner's last son to the effect that they belong to the Hindu Kondareddis community.

For Petitioner : Mr.N.R.Ramesh Kanna

For Respondent : Mr.E.Manoharan,  
Additional Government Pleader

ORDER

[The Order of the Court was made by M.M.SUNDRESH,J.]

The prayer in the writ petition is to call for the records relating to the proceedings in Na.Ka.No.668/03 (D), dated 10.12.2003 of the respondent and quash the order passed therein and consequently direct the respondent to issue community certificates to the petitioner's grand children viz., V.Haripriya (14 years), V.Krishnapriya (16 years) and

V.Hariharan (10 years), who are the children of the petitioner's second son P.Vasudevan and M.Yashwantini (10 years), D/o.P.Mahendran, who is the petitioner's last son to the effect that they belong to the Hindu Kondareddis community.

2. When the matter is taken up for hearing, there is no representation on behalf of the petitioner. This Court heard the submissions made by the learned Additional Government Pleader appearing for the respondent.

3. The writ petition has been filed by the petitioner, who is the grandfather of the minor children and at the relevant point of time they were minors. Now, at this point of time, the minors would have attained majority. In the impugned order dated 10.12.2003, the request made by the petitioner was not considered by the respondent on the ground that the said request will have to be made only before the concerned jurisdictional officer.

4. We find force in the submission made by the learned Additional Government Pleader in sustaining the order impugned. The petitioner's grand children are said to be residing in a particular place and hence, it cannot be said that the authority will have jurisdiction to issue Community Certificate. After all, issuance of Community Certificate involves verification of the documents. Apart from taking evidence, it requires the proof of residence from the ancestral place, in which, the applicant's ancestor would have lived.

5. In such view of the matter, we do not find any error in the order impugned in this writ petition. Accordingly, this Writ Petition is dismissed. However, this order will not stand in the way of the petitioner's grand children in submitting fresh application before the appropriate officer having jurisdiction. No costs. The connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Jr1

To

The Revenue Divisional Officer,  
Sankagiri, Salem District.

+1cc to the Government Pleader, S.R.No.91512

W.P.No.38554 of 2003

SPD (CO)  
CS/02/12/2019



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