

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on: 09.07.2019

Orders Pronounced on : 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.7989, 7984, 12435, 12439 and 7993 of 2019

N.Gurumoorthy	..Petitioner in W.P.No.7989 of 2019
N.Punniyamoorthy	..Petitioner in W.P.No.7984 of 2019
S.Santhosh	..Petitioner in W.P.No.12435 of 2019
T.N.Raja	..Petitioner in W.P.No.12439 of 2019
K.Vijaykumar	..Petitioner in W.P.No.7993 of 2019

Vs.

1. The District Collector and Chairman,
District Level Vigilance Committee,
Salem District, Salem.
2. The Sub-Collector,
Mettur Dam, Salem District. ..Respondents in all Wps.

Prayer in WP.No.7989 of 2019 : 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 of the first respondent in proceedings in Na.Ka.No.150/2018/the-A, dated 26.09.2018 and quash the same and direct the respondents to issue Community Certificate to the petitioner's son viz., G.Mohanraj to the effect that the petitioner belongs to the Konda Reddy Community (Scheduled Tribe) on the basis of the Community Certificate issued to the petitioner's father's elder brother Kuppovi Reddy, vide Community Certificate, dated 10.02.1976.

Prayer in WP.No.7984 of 2019 : 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 of the first respondent in proceedings in Na.Ka.No.150/2018/the-A, dated 26.09.2018 and quash the same and direct the respondents to issue Community Certificate to the petitioner viz., P.Kamesh to the effect that the petitioner belongs to the Konda Reddy Community (Scheduled Tribe) on the basis of the Community Certificate issued to the petitioner's father's elder brother Kuppovi Reddy, vide Community Certificate, dated 10.02.1976.

Prayer in WP.No.12435 of 2019 : 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 of the first respondent in proceedings in Na.Ka.No.150/2018/the-A, dated 20.09.2018 and quash the same and direct the respondents to issue Community Certificate to the petitioner Children S.Niranjana and S.Subhikshana to the effect that the petitioner belongs to the Konda Reddy Community (Scheduled Tribe) on the basis of the petitioner's brother S.Ramesh Community Certificate dated 22.11.1978.

Prayer in WP.No.12439 of 2019 : 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 of the first respondent in proceedings in Na.Ka.No.150/2018/the-A, dated 26.09.2018 and quash the same and direct the respondents to issue Community Certificate to the petitioner's Children R.Tharani and R.Navaneetha Manikandan to the effect that the petitioner belongs to the Konda Reddy Community (Scheduled Tribe) on the basis of Petitioner's Wives (Kavitha) maternal uncle M.Jayaraman Community Certificate dated 02.02.1976 and grand fathers sisters son S.Nagarajan Community Certificate dated 29.07.1975.

Prayer in WP.No.7993 of 2019 : 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 of the first respondent in proceedings in Na.Ka.No.150/2018/the-A, dated 26.09.2018 and quash the same and direct the respondents to issue Community Certificate to the petitioner's Children viz Minor V.Boomika and Minor V.Suseendran to the effect that the petitioner belongs to the Konda Reddy Community (Scheduled Tribe) on the basis of the Community Certificate issued to the petitioner's relative Kuppavi Reddy vide community certificate 10.02.1976.

For petitioner
in All Wps. : Mr.L.Chandrakumar for
M/s.N.Naganathan

For respondents
in All WPs. : Ms.Narmadha Sampath,
Addl. Advocate General,
assisted by
Mr.V.Shanmuga Sundar,
Special Government Pleader

COMMON ORDER

R.SUBBIAH, J

Since the issue involved in all these Writ Petitions, is one and the same, the same are being disposed of by this common order.

2. As the facts are almost similar, it is enough to discuss the facts in W.P.No.7989 of 2019, as follows:

The petitioner belongs to Hindu Konda Reddis Community, which is a Scheduled Tribe community. He is a native of Pannavadi Village, Mettur Taluk Salem District. His father's elder brother had applied for issuance of the Community Certificate before the Tahsildar, Mettur Dam, based on which, he was issued with a Konda Reddis Community Certificate on 10.02.1976. The said Community Certificate was issued after due verification of records and School Transfer Certificate. The petitioner applied for issuance of Community Certificate on 06.10.2015 before the second respondent, which was rejected by the second respondent, and thereafter, as per the order of this Court, dated 24.07.2017 in W.P.No.10628 of 2017, the petitioner filed appeal before the first respondent, which was rejected by the impugned proceedings, dated 26.09.2018 by the first respondent. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

3. The second respondent in W.P.No.7989 of 2019 has filed counter affidavit, inter-alia stating that it is usual and mandatory procedure to mention the Office Register Number in the Community Certificate, but the Community Certificate of the elder brother of the petitioner's father does not contain any Register Number. So, the genuineness of the Community Certificate was highly doubtful and that could not be the base factor to issue Hindu Konda Reddis Community Certificate to the petitioner's son. Further, in the Census 1961, the population returned in the State of Madras for the Konda Reddi Tribe was 8 and of this, 3 were working as Labourer in Madras (Chennai) City, while the rest were spread over two other Districts. The Government of Tamil Nadu had also noticed that there was a sudden spurt in the families of Konda Reddis between the Census of 1961 and 1971. All the documents submitted by the petitioner, were verified, besides this, local enquiry was also conducted and that the second respondent came to a conclusion that the petitioner and his family members do not belong to Konda Reddy Community, but they belong to Hindu Reddiar Community, which reveals from the School Records, Birth Register and Service Records of the petitioner's parents and their relatives. 13 Community Certificates were issued as per Court direction, out of which, five were sent to the State Level Scrutiny Committee

for verifying the genuineness. The School Records of the petitioner's father shows that he belongs to Hindu Reddiyar. It is true to say that the petitioner and his family members belong to Hindu Reddy Community, which is classified as Forward Community. The close relatives of the petitioner are Hindu Reddiar. Further, there is a provision of appeal as against the order of the first respondent, as per G.O.(Ms).No.147, Revenue RA.3(2) Department, dated 17.03.2016. The petitioner had not filed appeal. Hence, the second respondent prayed for dismissal of W.P.No.7979 of 2019.

4. Heard the submissions of both sides and perused the materials available on record.

5. It is the contention of the learned counsel for the petitioners in all these Writ Petitions that the petitioner(s) are requesting for issuance of Community Certificates to them or to their children, as the case may be, based on the Community Certificates already available with the blood relatives of the petitioner(s).

6. This Court is not conducting any roving enquiry in all these Writ Petitions filed under Article 226 of the Constitution of India with regard to the relationship between the petitioners and their blood relatives. Therefore, this Court is not inclined to issue any direction as sought for in these Writ Petitions. Accordingly, these Writ Petitions are dismissed. However, the petitioners are directed to file appeal before the competent authority/concerned authority in the light of the above said G.O.(Ms).No.147, Revenue Department, dated 17.03.2016, as against the impugned orders of rejection of the applications seeking for issuance of Community Certificates to the petitioners' children or the children, as the case may be. No Costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector and Chairman,
District Level Vigilance Committee, Salem District, Salem.
2. The Sub-Collector, Mettur Dam, Salem District.

+5cc to M/s.N.Naganathan, Advocate Sr.No.67249

AKM/20.09.19/4P-8C /

Common Order

in W.P.Nos.7989 of 2019 etc.
batch