

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.8884 of 2019
and
W.M.P.Nos.9434 and 9435 of 2019

Dr.R.Senthilkumar

..Petitioner

Vs.

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Tahsildar,
Tiruppur South,
Tiruppur.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order dated 25.02.2019 in Ref.No.3631/2018/A4, dated /02/2019 on the file of the Tahsildar Thiruppur South, the second respondent herein and quash the same and consequently direct the second respondent to issue the Nativity Certificate and Communitiy Certificate to (i) Neldo Senthil and (ii) Sheldo Senthil, the sons of the petitioner within the time frame as may be prescribed by this Court.

For Petitioner : Mr.M.T.Arunan

For Respondents: Mr.J.Pothiraj, Spl.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 order dated 25.02.2019 in Ref.No.3631/2018/A4 on the file of the Tahsildar Thiruppur

South, the second respondent herein and quash the same and consequently direct the second respondent to issue the Nativity Certificate and Community Certificate to (i) Neldo Senthil and (ii) Sheldo Senthil, the sons of the petitioner, within the time frame as may be prescribed by this Court.

2. The petitioner is a native of Alangkadu Village, Tiruppur District. His father was a retired Government School Teacher. The petitioner belongs to Hindu "Kuravan Community" which is recognized as "Scheduled Caste" community in Tamil Nadu. The petitioner was born in Tiruppur and entire schooling was in Nanjappa Municipal Higher Secondary School, Tiruppur. Thereafter, he completed his degree in Bachelor of Medicine and Surgery (MBBS) in Stanley Medical College, Chennai, affiliated to the University of Madras, in the year 1990 and further completed his Doctorate of Medicine (MD) in the year 1995.

3. The petitioner's parents owned the residential property at No.7C, Alangkadu Karuvampalayam, Tiruppur District, where the petitioner resided at the time of schooling and college days. The petitioner, after completing his post graduation in medicine, started practicing in Tamil Nadu and later he shifted to Thrissur at Kerala and he had taken up a job in a private hospital. He got married in the year 1999 and blessed with twin baby boys, namely, (i) Neldo Senthil and (ii) Sheldo Senthil, now aged about 17 years. Both of his sons are studying presently in Standard XII in CBSE Curriculum in Kerala. Since the petitioner belongs to Scheduled Caste community, the petitioner applied before the second respondent-Tahsildar on 22.01.2019 for issuance of Community Certificate and Nativity Certificate for both of his sons for the purpose of writing various entrance examinations for pursuing their higher studies, and as the same was not considered, the petitioner has filed the present Writ Petition for the relief stated supra.

4. When the Writ Petition is taken up for consideration, the learned counsel appearing for the petitioner made detailed submissions by adverting to the averments made in the affidavit filed in support of the Writ Petition. It is the specific submission of the learned counsel for the petitioner that when he has applied for certificate for his sons at Thrissur, Kerala, it was rejected by way of a Certificate, dated 11.01.2019 stating that the said Certificate is issued on the basis of the Community Certificate issued to the petitioner by the Tahsildar, Tiruppur Taluk, Coimbatore District of the State of Tamil Nadu.

5. The learned counsel for the petitioner further submitted that since the petitioner could not obtain Nativity Certificate and Community Certificate at Kerala when he has applied, the same was rejected. Thus, the learned counsel for the petitioner

submitted that when the request was rejected by the Tahsildar, Thrissur, Kerala State, he has no other option except to apply for Nativity Certificate and Community Certificate in the State of Tamil Nadu. Without considering these aspects, the impugned order has been passed stating that there is no proof and village record as lived in Veerapandi Village, Vanjipalayam, Tiruppur South.

6. The learned Special Government Pleader appearing for the respondents submitted that for issuance of Nativity Certificate and Community Certificate, there must be a proof to show that the petitioner is residing in such place. Therefore, he prayed for dismissal of the Writ Petition.

7. Be that as it may. We are of the opinion that though the petitioner belongs to Tiruppur, he shifted to Kerala and is residing there. In Kerala, he is not eligible for Nativity Certificate and Community Certificate. In such circumstances, this Court directs the petitioner to produce any relevant document before the second respondent-Tahsildar, Tiruppur South, Tiruppur, to show that the family of the petitioner owns/owned a property in the area or any proof to show that the petitioner hails from Tiruppur. The second respondent-Tahsildar is directed to conduct personal enquiry and give an opportunity of hearing to the petitioner and pass appropriate orders with regard to the issuance of Nativity Certificate and Community Certificate to the abovesaid sons of the petitioner, within a period of one week from the date of receipt of a copy of this order.

8. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, W.M.Ps. are closed.

vr/cs

Sd/-

सत्यमेव जयते Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Tiruppur District,
Tiruppur.

2. The Tahsildar,
Tiruppur South,
Tiruppur.

3. The Tahsildar,
Tiruppur Taluk,
Coimbatore Dist.

+4cc to Mr.M.T.Arunan, Advocate, SR.No.38105
+1cc to the Govt.Pleader, Vide Sr.No.38835

Writ Petition No.8884 of 2019

Kak (29/04/2019)



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