

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.12351, 12467, 13316 and 15809 of 2019

B.Chinnasamy
S/o.K.R.Putta Reddy

.. Petitioner in W.P.No.12351/2019

J.Vijayakumar
S/o.R.Jayaraman

.. Petitioner in W.P.No.12467/2019

S.S.Dharineesh
S/o.Sowmiyan

.. Petitioner in W.P.No.13316/2019

R.Elangovan
S/o.Rajakannu

.. Petitioner in W.P.No.15809/2019

Vs.

The Sub Collector/
Revenue Divisional Officer,
Mettur Dam,
Salem District.

.. Respondent in W.P.No.12351 of 2019

The Revenue Divisional Officer-
cum-Sub-Collector,
Mettur Dam,
Salem District.

.. Respondent in W.P.No.12467 of 2019

The Revenue Divisional Officer,
Central Chennai Division,
Ambattur.

.. Respondent in W.P.No.13316 of 2019

The Revenue Divisional Officer,
Mettur Dam,
Salem District.

.. Respondent in W.P.No.15809 of 2019

Prayer:

W.P.No.12351 of 2019

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent in its Na.Ka.No.1340/2017/D dated 31.08.2017 and quash the same and consequently, direct the respondent to issue Community Certificates to the petitioner's minor daughter K.C.Varsheni to the effect that she belongs to the Hindu Konda Reddis Community (ST) in the light of the Community Certificate issued in favour of the petitioner and her wife viz., dated 13.09.1978 and 24.04.1984.

W.P.No.12467 of 2019

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent in its Pa.Mu.No.2930/2017/D Sl.No.14, 16/29 dated 23.03.2018 and quash the same and consequently, direct the respondent to issue Community Certificates to the petitioner and his minor son V.S.Sankar Ram to the effect that they belong to the Hindu Konda Reddis Community (ST) in the light of the Community Certificate issued in favour of the petitioner's father.

W.P.No.13316 of 2019

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent in its Na.Ka.No.2163/2018/A4 dated 05.04.2019 and quash the same and consequently, direct the respondent to issue Community Certificate to the petitioner to the effect that he belongs to the Hindu Konda Reddis Community (ST) in the light of the Community Certificate issued in favour of the petitioner's father.

W.P.No.15809 of 2019

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent in its

Na.Ka.No.1340/2017/D dated 31.08.2017 and quash the same and consequently, direct the respondent to issue Community Certificates to the petitioner's minor sons viz., E.Vidhyadharan and E.Veebeshan to the effect that they belong to the Hindu Konda Reddis Community (ST) in the light of the Community Certificate issued in favour of the petitioner dated 13.04.1989.

For Petitioners : Mr.V.Vijayashankar
[in all W.Ps.]

For Respondents : Mr.V.Shanmuga Sundar,
[in all W.Ps.] Special Government Pleader

C O M M O N O R D E R

[Order of the Court was made by 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.12351 of 2019, as follows:

Petitioner and his wife have obtained 'Konda Reddy' (Scheduled Tribe) Community Certificate on 13.09.1978 and 24.04.1984 from the Tahsildar, Mettur Dam. It is further stated by the petitioner that Konda Reddy Community members are migrated Scheduled Tribes, who are originally inhabited in Mettur Taluk, Salem District, Bhavani Taluk of Erode District and Pennagaram Taluk in Tamil Nadu District. Since the petitioner and his wife are having valid Community Certificates, the petitioner submitted an application on 07.01.2017 seeking issuance of Community Certificate for his daughter K.C.Versheni before the respondent. In fact, number of the petitioner's family relatives had been issued with Community Certificate. Hence, it is the stand of the petitioner that his daughter is entitled for issuance of Community Certificate. The respondent, without conducting proper enquiry and scrutinising the documents in proper manner, based on immaterial documents and with deliberate intention to curtail the rights of the ST members, by proceedings dated 31.08.2017, had rejected the application stating that no Konda Reddy Community members are residing in the village of the petitioner. Challenging the said order of respondent, W.P.No.12351 of 2019 has been filed to quash the order of the respondent in Na.Ka.No.1340/2017/D dated 31.08.2017 and consequently, direct the respondent to issue Community Certificate to the petitioner's minor daughter K.C.Varsheni to the effect that she belongs to Hindu Konda Reddis Community (ST) in the light of the Community Certificate issued in favour of

the petitioner and her wife viz., dated 13.09.1978 and 24.04.1984.

3. Respondent in W.P.No.12351 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 Certificates of the petitioner and his wife do not contain any Register Number. So, the genuineness of the Community Certificates was highly doubtful and that could not be the base factor to issue Hindu Konda Reddis Community Certificate to the petitioner's daughter. 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 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 and their relatives. The close relatives of the petitioner belong to Hindu Reddiar. Further, there is a provision of appeal as against the order of the 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 respondent prayed for dismissal of W.P.No.12351 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 petitioner(s) that the father of the petitioner(s)/petitioner(s) being father(s), as the case may be, is/are having a valid Community Certificate and therefore, the children of the petitioner(s) or the petitioner(s) being children, as the case may be, are also entitled for the issuance of ST Community Certificate. In response, learned Special Government Pleader submits that the Community Certificates, relied on by petitioner, do not bear the Register Number and hence, the genuineness of the same is highly doubtful. However, the said submission is objected by learned counsel for petitioner stating that the Community Certificates of petitioner and his wife were issued on 13.09.1978 and 24.04.1984 respectively and at that point of time, only the office seal was affixed in the Certificates. Learned counsel further submits that when the Community Certificates bear the signature of Tahsildar, Mettur

and his office seal, it is incorrect to state that the same were not genuine.

6. There is no doubt that if the father(s) is/are having valid Community Certificates and if the said Community Certificates are not cancelled as on date, this Court's normal practice is that the concerned respondent/authority will be directed to issue Community Certificate and thereafter, send the said Community Certificate to the State Level Scrutiny Committee for verification of the genuineness of the same.

7. Though it is contented by learned Special Government Pleader that the genuineness of the Community Certificates, relied on by petitioner, is highly doubtful, the said Community Certificates were not yet cancelled so far. So long as the fathers' Community Certificate having been not cancelled till date, there is no impediment to issue Community Certificate to the children.

8. Therefore, in all these Writ Petitions, we are of the opinion that in the absence of cancellation of the Community Certificates of the fathers, it is not open for the respondent (s) to reject the application for issuance of the Community Certificate for the children. Hence, the children are entitled for issuance of Community Certificates.

9. Accordingly, this Court directs the respondents to issue Provisional Community Certificates to the petitioners' children or the petitioner(s) being children, as the case may be, by making an endorsement on the same that as per the direction of this Court, the said Community Certificates is/are being issued, subject to the verification of the genuineness of the same by the State Level Scrutiny Committee. After the conformity of the genuineness of the said Community Certificates by the State Level Scrutiny Committee, the respondent(s) shall issue permanent Community Certificates to the petitioners' children or the petitioner(s) being the children, as the case may be.

With the above observations and directions, these Writ Petitions are disposed of. No Costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Sub Collector/
Revenue Divisional Officer,
Mettur Dam,
Salem District.

2.The Revenue Divisional Officer-
cum-Sub-Collector,
Mettur Dam,
Salem District.

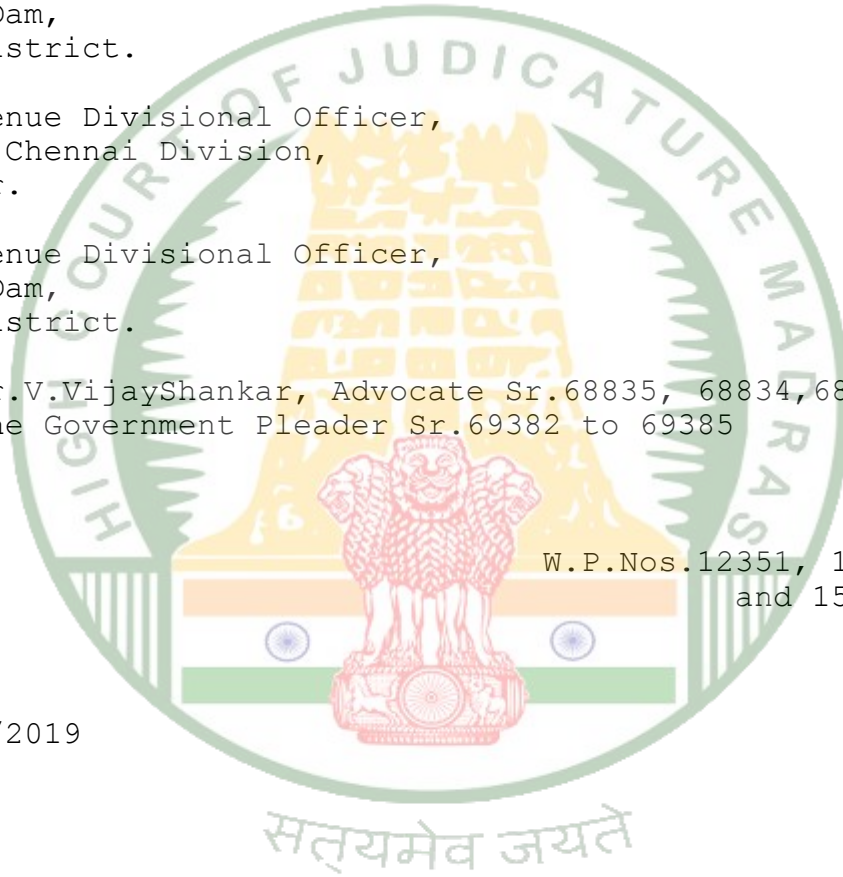
3.The Revenue Divisional Officer,
Central Chennai Division,
Ambattur.

4.The Revenue Divisional Officer,
Mettur Dam,
Salem District.

+4cc to Mr.V.VijayShankar, Advocate Sr.68835, 68834,68833,68832
+1cc to the Government Pleader Sr.69382 to 69385

W.P.Nos.12351, 12467, 13316
and 15809 of 2019

ev[co]
srg 16/09/2019



WEB COPY