

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2019

CORAM

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

Writ Petition No.21661 of 2019

G.Balaji
S/o.Late Govinda Raja ReddyPetitioner

Vs

- 1.The District Collector,
Thiruvallur District,
Thiruvallur - 631 207.
 - 2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
 - 3.The Revenue Divisional Officer,
Thiruthani Revenue Division,
Thiruthani, Thiruvallur District.
 - 4.The Tahsildar,
Pallipet Taluk,
Thiruvallur District.
 - 5.The Revenue Inspector,
Pallipet Revenue Firka,
Pallipet Taluk,
Thiruvallur District.
 - 6.The Village Administrative Officer,
Ramachandrapuram Village,
Pallipet Taluk,
Thiruvallur District.
- ... Respondents

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 third respondent in proceedings in Na.Ka.309/2019/A4 dated

24.05.2019 and quash the same and consequently, direct the third respondent to issue Community Certificate to the petitioner by mentioning "Konda Reddis" Community which comes under the Scheduled Tribes Caste List.

For Petitioner : Mr.S.Haja Nazrudeen, Senior Counsel
for Mr.A.Ilayaperumal

For Respondents: Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

[Order was made by R.SUBBIAH, J]

Petitioner has filed the present Writ Petition seeking quash of the order of third respondent in proceedings in Na.Ka.309/2019/A4 dated 24.05.2019 and consequently, direct the third respondent to issue Community Certificate to the petitioner stating that he belongs to 'Konda Reddis' Community, which comes under the Scheduled Tribe Caste.

2. Petitioner, in the affidavit filed in support of the Writ Petition, stated that he belongs to 'Konda Reddis' Community, which is a Scheduled Tribe Caste. Petitioner's father as well as his ancestors and close relatives have obtained Community Certificate informing that they belong to 'Konda Reddis' Community. In all the petitioner's educational records, his community has been mentioned as 'Konda Reddis'. Petitioner submitted a detailed representation on 02.05.2018 to first respondent seeking issuance of Community Certificate stating that he belongs to 'Konda Reddis' Community. Along with the said representation, he enclosed all the relevant documents. Since no action was taken on the petitioner's representation, petitioner filed W.P.No.293 of 2019 before this Court seeking a direction to first respondent to issue Community Certificate by considering his representation dated 02.05.2018. This Court, under order dated 08.01.2019, directed first respondent to consider petitioner's representation dated 02.05.2018 within a period of eight weeks. Petitioner's representation has been forwarded to third respondent/Revenue Divisional Officer, Thiruthani, who, without issuing notice, has rejected the representation on the reasoning that between 1989 and 2017, no Community Certificate informing 'Konda

Reddis' Community has been issued. Third respondent has further stated that 296 Community Certificates have been issued in the year 2018 and since an enquiry, based upon the oral instructions issued by first respondent/District Collector, Thiruvallur, towards verification of the genuineness of the said Certificates, is pending, Community Certificate, as prayed for by petitioner, cannot be issued. Further, the stand of respondents 3 to 6 is that the petitioner belongs to Kondalakulam Community and hence, Community Certificate informing that he belongs to 'Konda Reddis' Community cannot be issued. Petitioner submits that 'Kondalakulam' and 'Konda Reddis' Community are one and the same. In support of his submission, petitioner relied on various decisions. The grievance of the petitioner is that when his father, ancestors and close relatives are holding valid Community Certificates, then there cannot be any impediment for the third respondent to issue Community Certificate to the petitioner based on such Certificates. Stating that his representation has been rejected by third respondent on flimsy reasoning, petitioner has filed the present Writ Petition seeking the aforesaid relief.

3. Heard learned counsel for petitioner and learned Special Government Pleader for respondents and perused the materials on records.

4. When the matter is taken up for hearing, learned counsel for petitioner submits that the petitioner's father was employed at BSNL and he died on 07.05.2010 in the course of employment. Learned counsel further submitted that petitioner is in emergent need of Community Certificate since he has to produce the same with regard to his appointment on compassionate ground.

5. Learned Special Government Pleader, on instructions, submits that third respondent may be given an opportunity to re-consider the issue and pass a fresh order on merits and in accordance with law.

6. On a perusal of the impugned order, this Court finds that third respondent appears to have conducted discreet enquiry in the village through the fourth respondent/Tahsildar and based on the report submitted by respondents 3 to 6, rejected the claim made by the petitioner. None of the documents produced by petitioner has been taken note of by third respondent while rejecting his representation. Further, it is not open to

third respondent to reject the petitioner's representation on the reasoning that 296 Community Certificates, issued in the year 2018, were sent for verification. Each case has to be dealt with on its own merits. This Court, therefore, is of the view that the issue requires fresh consideration by the third respondent.

Accordingly, the order of third respondent in proceedings in Na.Ka.309/2019/A4 dated 24.05.2019 is set aside and the matter is remitted to third respondent/Revenue Divisional Officer, Thiruttani, for fresh consideration. Third respondent is directed to consider the petitioner's representation dated 02.05.2018 and pass orders afresh on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of two weeks from the date of receipt of this order. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gm
To

- 1.The District Collector,
Thiruvallur District,
Thiruvallur - 631 207.
- 2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
- 3.The Revenue Divisional Officer,
Thiruthani Revenue Division,
Thiruthani, Thiruvallur District.
- 4.The Tahsildar,
Pallipet Taluk,
Thiruvallur District.

5.The Revenue Inspector,
Pallipet Revenue Firka,
Pallipet Taluk,
Thiruvallur District.

6.The Village Administrative Officer,
Ramachandrapuram Village,
Pallipet Taluk,
Thiruvallur District.

+1cc to Mr.A.Ilayaperumal , Advocate SR.No. 66529
+1 cc to Government Pleader Sr.No. 67534

Writ Petition No.21661 of 2019

A.SK(09/08/2019)



WEB COPY