

IN HIGH COURT OF JUDICATURE AT MADRAS

Reserved On	29.08.2019
Pronounced On	19.09.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.24183 of 2019

A.Dhananjayan

...Petitioner

vs

The Tahsildar,
Gingee Taluk,
Villupuram District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or order or direction in the nature of calling for the records relating to the order of rejection passed in proceedings No.(Aal) 689/2019 dated 03.07.2019 on the file of respondent quash the same and direct the respondent to issue community certificate to the petitioner's son viz. Sachin Prabhu and kanishkar Prabhu they belong to "Doman (SC) Community" based upon the community certificate already issued to the parents and other family members.

For Petitioner : Mr.S.Doraiswamy
For Respondent : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

C.SARAVANAN, J.

The Petitioner is a practicing Advocate at Gingee. He has applied for Community Certificate for his Children namely D.Sachin Prabhu and D.Kanishkar Prabhu on 30.03.2017 with the respondent herein. Since there was no response by the respondent herein, the petitioner sent a representation to the National Commission for Scheduled Castes on 11.02.2019.

2.The National Commission sent a letter to the District Collector, Villupuram on 14.02.2019 stating that, if the Commission does not receive reply from the District Collector, Villupuram within the stipulated time, the Commission may exercise the powers of Civil Courts conferred on it under

Article 338 of the Constitution of India and issue summons for appearance in person or by a representative before the Commissions.

3.By the impugned order, the respondent had rejected the application placing reliance on the letter dated 19.06.2019 bearing reference No.Na.Ka.M11/8541/2017 of the District Adi Dravidar and Tribal Welfar Officer, Villupuram. As per the letter, the petitioner is not entitled to get Community Certificate for his Children as "Domban" Scheduled Tribe Community.

4.Aggrrieved by the same, the petitioner has preferred the present Writ Petition.

5.According to the respondent, after the application was received the Revenue Inspector, Gingee was directed to conduct an enquiry and submit a report with regard to the community of the petitioner's family.

6.Thereafter, the Revenue Inspector, Gingee conducted an enquiry in Appampattu Village and sent his report stating that based on the documents produced by the petitioner, the community certificate may be issued.

7.The respondent has further stated that on receipt of the report of the Revenue Inspector, Gingee, the respondent sent a communication letter to the District Adi Dravidar and Tribal Welfare Officer, Villupuram vide Na.Ka.No.Aal/245/2017 dated 06.12.2017 requesting to issue necessary instructions with regard to issuance of community certificates to the petitioner's children. However, the petitioner sent a representation to the National Commission for Scheduled Castes.

8.According to the respondent, the District Adi Dravidar and Tribal Welfare Officer, Villupuram forwarded the petition of the petitioner along with connected records to the Senior Lecturer, Cultural Anthropologist Tribal Research Centre, M.Palada, Udhagamandalam was requested to submit a detailed report with regard to issuance of Community Certificate to the petitioner's children.

9.According to the respondent, they received a detailed enquiry report from the Senior Lecturer, Cultural Anthropologist Tribal Research Center, M.Palada, Udhagamandalam and it was submitted that the pititoner's children did not belong to 'Domban' Scheduled Tribe Community. According to the said report, 'Domban' Scheduled Tribe Community persons did not reside in Villupuram District.

10. Heard the learned counsels for the petitioner and the respondent.

11. The learned counsel for the petitioner submitted that the impugned order has been issued without furnishing copy of the report of the Senior Lecturer, Cultural Anthropologist Tribal Research Centre, M. Palada, Udhagamandalam and therefore the denial of the community certificate to the petitioner's children is liable to be interfered.

12. It is further submitted that 'Domban' Scheduled Tribe Community Certificates dated 16.07.1998, 27.08.2003, 20.05.1992 and 24.05.1994 were individually not only given to the petitioner but also his wife and his two of own brothers and therefore the denial of the Community Certificates to the petitioner's children was not correct.

13. Per contra, the learned Special Government Pleader for the respondent submitted that the order passed by the respondent is correct and therefore requires no interference. It is further submitted that the report of the Senior Lecturer, Cultural Anthropologist Tribal Research Centre, M. Palada, Udhagamandalam has confirmed that the 'Domban' Scheduled Tribe Community do not reside in Villupuram District and therefore the order passed by the respondent cannot be interfered.

14. It is further submitted that the petitioner has an alternate remedy before the Revenue Divisional Officer as per the G.O.(Ms).No.235 dated 26.06.2015 and therefore the petitioner may prefer an appeal before the said authority.

15. We have considered the arguments advanced by the learned counsels for the petitioner and respondent. The only reason for denial the Community Certificate is on account of the report dated 06.06.2019 of the Anthropologist, as per which "Domban" Community people do not reside in Villupuram District. However, Community Certificate has been given not only to the petitioner but also to his wife and two of his siblings.

16. Barring the Anthropologist's report, no other reasons have been given to deny the Community Certificate to the petitioner's children. When the petitioner, his wife and brothers have been given Community Certificates by the Tahsildars Gingee & Madurantakam in the years 1992, 1994, 1998 and 2003, we fail to understand how Community Certificates can be denied to the petitioner's children.

17. In series of orders we have directed the Provisional Community Certificate to be issued wherever the Community Certificates of the parents have not been cancelled.

18. Therefore, it is not open for the respondent to reject the application for issuance of the Community Certificate for the children of the petitioner. We therefore direct the respondent to issue the Community Certificate.

19. Accordingly, we direct the respondent to issue Provisional Community Certificates to the petitioner's children with an endorsement that the said Community Certificates are being issued as per the direction of this Court, 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 shall issue permanent Community Certificates to the petitioner's children.

20. With the above observations and directions, the Writ Petition is disposed of. No Costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

The Tahsildar,
Gingee Taluk,
Villupuram District.

+1 CC to The Govt. Pleader sr 81558.

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W.P.No.24183 of 2019

VGI (CO)
SP(08/11/2019)

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