



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM:

WEB COPY

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU
and
THE HON'BLE Mr. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) Nos. 9479 to 9481 of 2019

and

W.M.P. (MD) Nos. 7454 to 7456 of 2019

W.P. (MD) No. 9479 of 2019:

Dr. Selvakumaran

... Petitioner

Vs.

1. The District Collector,
Thanjavur District.

2. The District Revenue Officer,
New Collector Office,
AVP Alagammal Nagar,
Thanjavur.

3. The Tahsildar,
Thanjavur Taluk,
Thanjavur District.

... Respondents

PRAYER: The Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the application No. TN520181205437 proceedings of the 3rd respondent and quash the order of rejection and direct the 3rd respondent to issue community certificate to the petitioner's daughter namely, Aiswharya and scheduled caste by allowing this Writ petition.

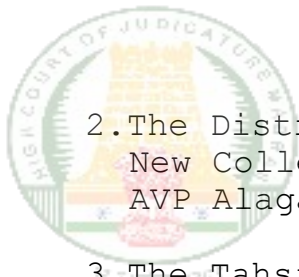
W.P. (MD) No. 9480 of 2019:

Dr. Selvakumaran

... Petitioner

Vs.

1. The District Collector,
Thanjavur District.



2.The District Revenue Officer,
New Collector Office,
AVP Alagammal Nagar, Thanjavur.

3.The Tahsildar,
Thanjavur Taluk,
Thanjavur District.

... Respondents

PRAYER: The Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the application No.TN5201812053327 proceedings of the 3rd respondent and quash the order of rejection and direct the 3rd respondent to issue community certificate to the petitioner's daughter namely, Laksha and scheduled caste by allowing this Writ petition.

W.P. (MD)No.9481 of 2019:

Dr.Selvakumaran

... Petitioner

Vs.

1.The District Collector,
Thanjavur District.

2.The District Revenue Officer,
New Collector Office,
AVP Alagammal Nagar,
Thanjavur.

3.The Tahsildar,
Thanjavur Taluk,
Thanjavur District.

... Respondents

PRAYER: The Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the application No.TN520181205563 proceedings of the 3rd respondent and quash the order of rejection and direct the 3rd respondent to issue community certificate to the petitioner's daughter namely, Shriyaa and scheduled caste by allowing this Writ petition.

For Petitioners : Mr.M.Karunanithi for
Mr.K.Balasundharam, in all WP's

For Respondent : Mr.N.Shanmugaselvam, AGP

**COMMON ORDER**

(Order of the Court was made by **K. RAVICHANDRABAABU, J.**)

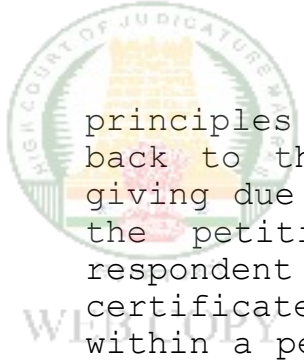
The petitioner is aggrieved against the proceedings of the third respondent in rejecting his application seeking for community certificates to his daughters. Consequently, the petitioner seeks for a direction to the third respondent to issue the community certificates to his daughters namely, Aiswharya, Laksha and Shriyaa as Scheduled Caste.

2. The petitioner contends that he belongs to Scheduled Caste Parayan Community and his wife namely, Dr. P. Shanmugapriya belongs to Backward Kallar Community. It is further stated that out of their wedlock, they are blessed with three female children. It is further stated that the petitioner and his wife along with the children have been recognized as Scheduled Caste people and their children are entitled to the benefits conferred in G.O. Ms. No. 477 Social Welfare Department, dated 27.06.1975. It is stated that the petitioner made representation on 12.01.2019 to the second respondent to issue community certificates to their children that they belong to Hindu Parayan Community. As the said representation was not considered, the petitioner approached this Court and filed W.P. (MD) No. 5307 of 2019, seeking for a direction to issue community certificate to his daughters. However, when the matter was taken up for hearing, it was represented before this Court that the petitioner's representation was rejected already and therefore, the said Writ petition was disposed of by granting liberty to the petitioner to challenge the rejection orders. Hence, the present Writ petitions are filed with the relief as stated supra.

3. The main grounds of the petitioner before this Court is that the impugned orders of rejection were passed in violation of principles of nature justice as the petitioner was not heard before rejecting the claim. It is further contended that had the third respondent granted proper opportunity to the petitioner to be heard in person, he would have satisfied him with necessary documents in support of his claim for issuance of the community certificate to his daughters.

4. Learned Additional Government Pleader fairly admitted that the impugned orders were passed without giving opportunity of hearing to the petitioner and therefore, the third respondent will give an opportunity of hearing and pass a fresh order on merits and in accordance with law.

5. Considering the above stated facts and circumstances, more particularly, the fact that the impugned orders came to be passed without giving an opportunity of hearing to the petitioner, without expressing any view on the merits of the claim made by the petitioner, these Writ petitions are allowed and the impugned proceedings are set aside only on the ground of violation of



principles of natural justice. Consequently, the matter is remitted back to the third respondent for passing a speaking order after giving due opportunity of hearing to the petitioner. It is open to the petitioner to place all the materials before the third respondent in support of his claim for issuance of community certificates. The third respondent shall pass such fresh order within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected W.M.Ps. are closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur District.

2. The District Revenue Officer,
New Collector Office,
AVP Alagammal Nagar,
Thanjavur.

3. The Tahsildar,
Thanjavur Taluk,
Thanjavur District.

+1CC TO Mr.K.Balasundharam, Advocate, Sr No.68680

W.P. (MD) Nos.9479 to 9481 of 2019
13.06.2019

nbj

KK/17.06.2019/4P.5C