



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P. (MD) No.12596 of 2020

C.Antony

... Petitioner

-vs-

1.The District Collector,  
Thoothukudi District,  
Thoothukudi.

2.The Revenue Divisional Officer,  
Tiruchendur,  
Thoothukudi District.

3.The Tahsildar,  
Eral Taluk,  
Thoothukudi District.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to consider the Petitioner's representation dated 31.7.2020 and issue Hindu Kattunayakkan Community Certificate to the Petitioner's son namely(1)Varkeesh and (2)Vallarasu on surrendering their Thottiya Nayakkar Community Certificate Nos.4423118 dated 25.07.2008 and FBC688E6A87C86, dated 5.6.2016 within the time frame fixed by this Court.

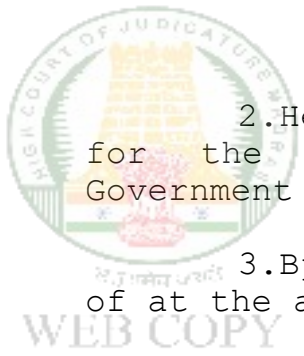
For Petitioner : M/s.P.Kalayarasi Bharathi

For Respondents : Mr.M.Muthugeethayan  
Special Govt.Pleader

**O R D E R**

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

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the second respondent to consider the Petitioner's representation, dated 31.7.2020 and issue Hindu Kattunayakkan Community Certificate to the Petitioner's son namely (1)Varkeesh and (2)Vallarasu on surrendering their Thottiya Nayakkar Community Certificate Nos.4423118 dated 25.07.2008 and FBC688E6A87C86, dated 5.6.2016.



2. Heard Mrs. Kalaiyarasi Bharathi, learned counsel appearing for the Petitioner and Mr. M. Muthugeethayan, learned Special Government Pleader, who takes notice on behalf of the respondents.

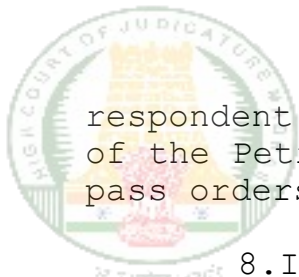
3. By consent of both parties, this Writ Petition is disposed of at the admission stage itself.

4. The case of the Petitioner is that he belongs to Hindu Kattunayakkan Community coming under the category of Scheduled Tribe. The Petitioner claims that his parents were previously wandering from one place to another place for doing their profession. However, now, they are permanently stayed at Managanapathiyapuram, Soolaiivaikkal, Eral Taluk, Thoothukudi District. It is further stated that with great financial difficulty, the Petitioner managed to provide education to his children and his son Varkeesh had successfully completed his B.E., as well as M.E in Structural Engineering with distinction and was working as Assistant Professor at Dr. Sivanthi Aditanar College of Engineering, Tiruchendur. It is alleged by the Petitioner that in the year 2008, though they claimed for issuance of Community Certificate for ST Kattunayakkan community, he was compelled to get Thottiya Nayakkar Community Certificate which comes under the Most Backward Class Category and in order to continue with the education, he received the said certificate.

5. It is averred in the affidavit filed in support of the Writ Petition that the Petitioner's elder brother and his elder sister namely, Muthuraj and Priya were issued with ST Kattunayakkan Community Certificate by the Sub-Collector, Thoothukudi vide Certificate Nos. 52593 and 52594 dated 13.8.2018 respectively. Further, the Petitioner's another sister Selvi's husband namely one Gandhi was also issued with ST Kattunayakkan Community Certificate in the year 1990 itself. So the Petitioner approached the authorities along with application to permit him to surrender the MBC Thottiya Nayakkar Community Certificates and consequently to issue ST Kattunayakkan Community Certificates in respect of his sons namely, Varkeesh and Vallarasu and they are still pending.

6. The learned counsel for the Petitioner would submit that in similar circumstances one Kannan who was issued with MBC Certificate, wanted for issuance of ST Kattunayakkan Community Certificate and since it was not considered, he moved a Writ Petition in W.P.(MD) No. 2845 of 2017 and after issuance of direction in the said Writ Petition, the authorities conducted a detailed enquiry and issued Hindu ST Kattunayakkan Community Certificate. It is further contended that since the Petitioner's representation was not considered by the respondents, the present Writ Petition is filed.

7. Mr. M. Muthugeethayan, learned Special Government Pleader appearing for the respondents would submit that the second



respondent is the competent authority to consider the representation of the Petitioner and if sufficient time is provided, he is ready to pass orders on the same.

8. In the light of the prayer sought for in this Writ Petition and the submissions made by the learned counsels on either side, this Writ Petition is disposed of, directing the second respondent to consider the representation of the Petitioner, dated 31.7.2020 and pass orders on the same in according with law, after providing ample opportunity to all the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

**Note** : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The District Collector,  
Thoothukudi District,  
Thoothukudi.
2. The Revenue Divisional Officer,  
Tiruchendur,  
Thoothukudi District.
3. The Tahsildar,  
Eral Taluk,  
Thoothukudi District.

+1 CC to M/s.GP ( SR-18244[F] dated 28/09/2020 )

**ORDER MADE IN**  
**W.P. (MD) No.12596 of 2020**  
**25.09.2020**

**SJ(CO)**

**AP(09/10/2020) 3P 5C**

<https://hcservices.ecourts.gov.in/hcservices/>