



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**
AND
THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD)No.14249 of 2020
and
W.M.P. (MD)No.11905 of 2020

M.Chinnathai

: Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Tahsildar,
Periyakulam,
Theni District.

4.Maheswari

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the 1st and 2nd respondents to cancel the community certificate No.DFFD678B6A687D86 dated 23.06.2017 issued in favour of the 4th respondent and consequently, to direct the 1st respondent to take appropriate action against the officials for issuing community certificate in favour of the 4th respondent as against their own order of 3rd respondent passed in Na.Ka.No.10725/2010/A3 dated 29.11.2010.

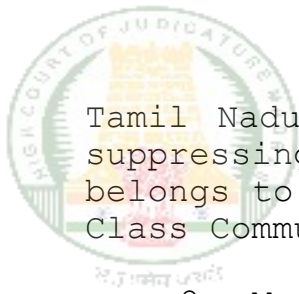
For Petitioner : Mr.A.Kannan

For Respondents: Mr.K.Mu.Muthu
Additional Government Pleader for R.1 to R.3

ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The petitioner, who is a resident of G.Kallupatti, has alleged that the fourth respondent belongs to Hindu Uppiliya Community, which is classified as Backward Class Community by the Government of



Tamil Nadu, whereas, contrary to the same, the fourth respondent, suppressing material facts, obtained community certificate as if she belongs to Hindu Kuravan Community, which is classified as Scheduled Class Community.

2. Mr.K.Mu.Muthu, learned Additional Government Pleader takes notice for the respondents 1 to 3 and submitted that as against the issuance of community certificate to the fourth respondent as Hindu Kuravan Community, the petitioner has already preferred an appeal before the second respondent in No.2199/20 and the same is pending consideration.

3. Notice to the fourth respondent is dispensed with, as this Court is going to direct the second respondent to decide the matter after hearing all the parties.

4. It is evident from the proceedings of the third respondent dated 29.11.2010 that the fourth respondent's plea for issuance of community certificate as Hindu Kuravan Community was rejected. When that was the position, it is not understood as to how the very same authority has reversed its decision and issued a community certificate on 23.06.2017. Probably, the Officer would have been persuaded by the issuance of community certificate by the Tahsildar, Erode, to the fourth respondent's son as Hindu Kuravan Community. In any event, this Court, without going into the merits of the case, directs the second respondent / Revenue Divisional Officer, Periyakulam, to dispose of the appeal filed by the petitioner for cancellation of the fourth respondent's community certificate as Hindu Kuravan Community, on merits and in accordance with law, after hearing all the parties, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gk

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,
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam, Theni District.

3.The Tahsildar,
Periyakulam, Theni District.

W.P. (MD) No.14249 of 2020

ARK (CO)

NR (21/10/2020) 3P : 4C