



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P. No. 12960 of 2021

R.Buvaneswari ... Petitioner

Vs.

1. Union of India
Rep. by the Joint Secretary
(Revenue)
Government of Puducherry
Puducherry.

2. The Tahsildar
Bahour Taluk Office
Bahour, Puducherry.

3. The Deputy Tahsildar
Bahour Taluk Office
Bahour, Puducherry.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned return endorsement of the Respondents on the application of the Petitioner dated 04.03.2021 and quash the same and consequently direct the Respondents to issue community certificate to the Petitioner's daughter Yamunadevi D/o.R.Bhuvaneswari, by considering the representation of the Petitioner dated 04.03.2021.

For Petitioner : Mr. A.Ramalingam

For Respondents : Mr. C.T.Ramesh

Additional Government Pleader
(Puducherry)



ORDER

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

This Writ Petition has been filed challenging the endorsement made by the authorities to conduct an enquiry with regard to the community status of the Petitioner's daughter viz., Yamunadevi, at Thirubuvanai, Periyapet, which is the native place of the Petitioner's husband viz., V.Thirunavukarassu.

2. The case of the Petitioner is that she got married to one V.Thirunavukarassu and thereafter, since there is a family dispute between the Petitioner and her husband, a case in M.O.P. No. 123 of 2016 has been filed by the Petitioner's husband, which is pending before the Family Court, Puducherry seeking for divorce. Therefore, the Petitioner is living separately along with her parents and now, she has submitted an application seeking Community Certificate for her daughter to the Second Respondent viz., Tahsildar, Bahour Taluk, Puducherry. However, the said application has been referred for conducting an enquiry at Thirubuvanai, Periyapet, which is the native place of the Petitioner's husband.

3. The grievance of the Petitioner is that when the Petitioner is living separately along with her parents at Sooramangalam Post, Puducherry, and the Petitioner has already got a Community Certificate for her on 02.09.2003 to show that she belongs to Adi Dravidar community, enquiry has to be conducted to ascertain the community status of the Petitioner as well as the Petitioner's daughter at Sooramangalam Post, Puducherry alone. Therefore, the endorsement made to conduct the enquiry in the native place of the Petitioner's husband at Thirubuvanai, Periyapet has to be quashed as it is illegal.

4. However, Mr. C.T.Ramesh, Learned Additional Government Pleader (Puducherry) appearing for the Respondents submits that the enquiry has to be conducted only in the native place of Petitioner's husband and rightly the endorsement has been made by the authorities.

5. It is evident from the records available that there is a divorce petition in M.O.P. No. 123 of 2016 pending on the file of Family Court, Puducherry and the Petitioner is residing along



with her parents at Sooramangalam Pet, Puducherry. When things stand so, an enquiry to be conducted at Petitioner's husband place viz., Thirubuvanai, Periyapet is unwarranted and proper enquiry could be conducted at the place of Petitioner viz., Sooramangalam Pet, Puducherry. Therefore, the endorsement made is quashed and the authorities are directed to conduct an enquiry with regard to the community status of the Petitioner as well as the Petitioner's daughter at Sooramangalam Pet, Puducherry, which is the place of the Petitioner and where she resides along with her parents and daughter.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

Maya

To

1. The Joint Secretary
(Revenue)
Union of India
Government of Puducherry
Puducherry.

2. The Tahsildar
Bahour Taluk Office
Bahour, Puducherry.

3. The Deputy Tahsildar
Bahour Taluk Office
Bahour, Puducherry.

4. The Family Court, Puducherry.

+1CC to M/s.A.Ramalingam, Advocate, SR.No. 36223

+1CC to The Government Pleader, Puducherry SR.No. 36708

W.P. No. 12960 of 2021

PCH(CO)

B.VC (03/09/2021)