

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.11988/2020

K.Elumalai

..Petitioner

Versus

The Revenue Divisional Officer,
South Chennai Division,
Guindy, Chennai 32.

..Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records relating to the proceedings in Na.Ka.No.AA1/3897/2018 dated 10.05.2019 on the file of the respondent and quash the same and direct the respondent to consider and pass orders on my application dated 11.10.2018 requesting for the issuance of community certificate to his children viz., E.Anand and E.Ajith that they belong to ''Kattunaickyen'' Community.

For Petitioner : Mr.N.Naganathan

For Respondent : Mr.R.Vijayakumar

Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J. through video conferencing]

The petitioner claims that he is living with his family in Chennai / Kancheepuram District for more than two decades and that he belongs to Hindu Scheduled Tribe Kattunaicken Community. The petitioner submitted an application dated 11.10.2018 for issuance of Hindu Scheduled Tribe Kattunaicken Community Certificate in favour of his two children, namely, Mr.E.Anand and Mr.E.Ajith.

2. The learned counsel appearing for the petitioner would submit that the Revenue Inspector of Sholinganallur Firka has given a positive report dated 23.01.2019 in U.Mu.No.37/2019, stating among other things that the parents of the children and

their relatives belong to Hindu Scheduled Tribe Kattunaicken Community and despite that, the respondent has passed the impugned order dated 10.05.2019, by directing him to approach the Revenue Divisional Officer, Villupuram, for getting the said certificate. The primordial submission made by the learned counsel appearing for the petitioner is that since he migrated from his native town about one decade before, and settled in Sholinganallur, it may be difficult for him to get the relevant document and in the light of the positive recommendation made by the Revenue Inspector of Sholinganallur Firka, dated 23.01.2019 (refer to supra), this Court may pass appropriate orders by directing the respondent to issue Hindu Scheduled Tribe Kattunaicken Community Certificate in favour of children of the petitioner.

3. Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondent has drawn the attention of this Court to the counter affidavit dated 06.10.2020, filed by the respondent and would submit that admittedly, the petitioner in his representation submitted dated 26.04.2019, had stated that he was a native of Veeramur Village, Villupuram District and his wife was a native of Somaspadi Village, Pennathur Taluk, Thiruvannamalai District and since the petitioner is not in possession of any document of probative value by way of concession / benevolence, he was directed to approach the Revenue Divisional Officer, Villupuram District for production of the relevant and authenticated documents, so as to enable the said official to take a call as to the request made by the petitioner for issuance of the Hindu Scheduled Tribe Kattunaicken Community Certificate, in favour of his two children.

4. This Court has carefully considered the rival submissions and also perused the materials placed before it.

5. The fact remains that the petitioner belongs to Villupuram District and his wife belongs to Thiruvannamalai District and it is their claim that they both belong to Hindu Scheduled Tribe Kattunaicken Community and as such their children are entitled to be issued with Community Certificate, evidencing the said fact.

6. A perusal of the report of the Revenue Inspector, Sholinganallur Firka, dated 23.1.2019 would disclose among other things that an enquiry was caused and the South Indian Scheduled Tribe Protection Association has given a Certificate, stating that the parents of the petitioner and his wife belong to Hindu Scheduled Tribe Kattunaicken Community and further enquiry would also disclose that his close relatives have been issued with the said certificate and accordingly the said official made the

recommendation. However, the Tahsildar, Sholinganallur in the communication dated 21.02.2019, has also made a recommendation, based upon the same.

7. In paragraph no.4 of the counter affidavit, attention of this Court has been invited to G.O.Ms.No.61 of Adi Dravidar and Tribal Welfare (ADW-10) Department dated 04.04.2005, which also refers to the communication of the Government of India, as to the place of permanency of their parents.

8. In the light of the fact that the petitioner belongs to Villupuram District and his wife belongs to Thiruvannamalai District and further taking into the consideration the above cited Government Order, this Court grants liberty to the petitioner as well as his wife, to apply for the issuance of Hindu Scheduled Tribe Kattunaicken Community Certificate in favour of his children by enclosing the report of the Revenue Inspector dated 23.01.2019 in c/K/37/2019, the communication of the Tahsildar, Sholinganallur, dated 21.02.2019 in Na.Ka.No.3253/2018/m2, addressed to the Revenue Tahsildar, Guindy, Chennai-32 as well as the Local Inspection Report of the Deputy Tahsildar, Sholinganallur, dated 22.02.2019 and the respective Revenue Divisional Officer of Villupuram and Thiruvannamalai District, are directed to consider the said representations submitted by the petitioner and his wife respectively, within a period of three weeks from the date of receipt of a copy of this order / uploading of the order in the website and upon receipt of the same, the Revenue Divisional Officer of Villupuram and Thiruvannamalai District, respectively, shall consider the said representations and give a disposal on merits and in accordance with law, within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as his wife.

9. The Writ Petition stands disposed of, accordingly. No costs.

सत्यमेव जयते

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Revenue Divisional Officer,
South Chennai Division,
Guindy, Chennai 32.

Copy to:

1.The Revenue Divisional Officer,
Villupuram District.

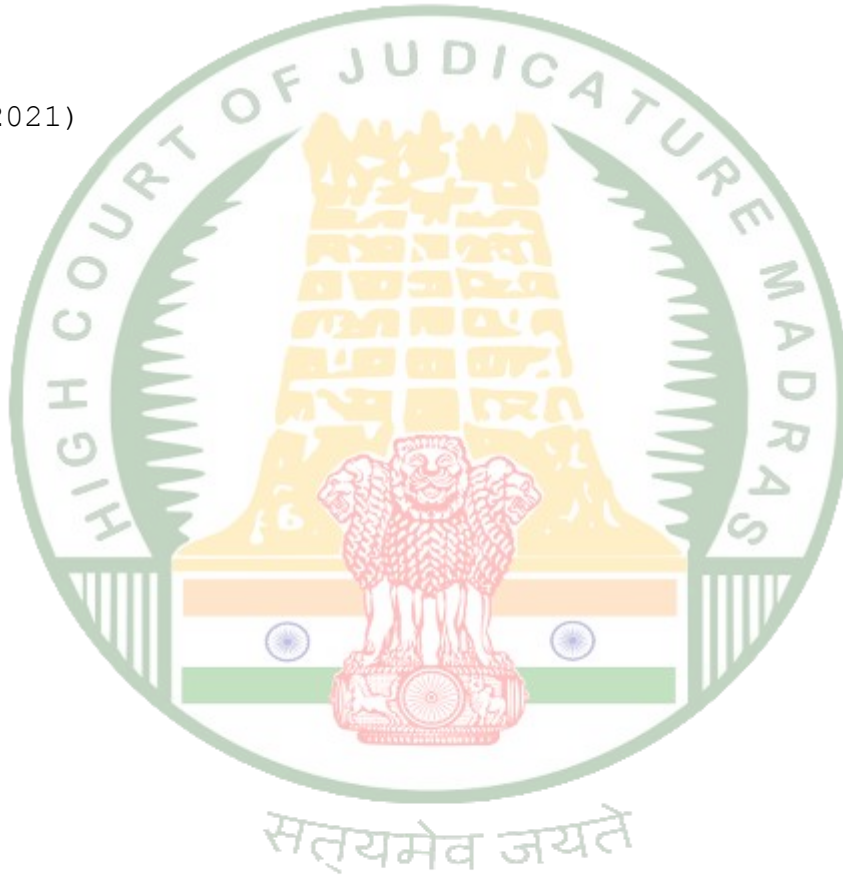
2.The Revenue Divisional Officer,
Thiruvannamalai District.

+1 CC to Mr.N.Naganathan, Advocate sr 347

+1 CC to The Government Pleader sr 773.

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AK(CO)
SP(02/02/2021)



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