



WEB COPY

W.P(MD)NO.17127 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2021**

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

W. P (MD) NO.17127 of 2021

P.Mathikumar : Petitioner

vs.

1. The Revenue Divisional Officer,
Trichirapalli.

2. The Tahsildar,
Trichy East,
Trichy District.

3. The Revenue Divisional Officer,
Lalgudi, Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of certiorarified Mandamus, calling for the records pertaining to the order, dated 09.08.2021 in Na.Ka.A3/1082/2021 of the first respondent and to quash the same and consequently to direct the first respondent to issue community certificate to the petitioner's daughters.

For Petitioner

:Mr.J.Anandkumar

For Respondents

:Mr.P.Thilak Kumar
Government Pleader

O R D E R

[Order of the Court was made by **M.DURAI SWAMY., J.**]

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order, dated 09.08.2021 made by the first respondent and quash the same and consequently, direct the first respondent to issue community certificate to the petitioner's daughters.



District, shifted during his childhood to L.Abisekapuram Village, Lalgudi Taluk and lived for quite a long time and practised native medicine. After getting married, the petitioner shifted his place of residence to Trichy, Thennoor Village and settled there in the year 2004. According to the petitioner, he belonged to Scheduled Tribe (Paniyan Community) and he applied for Community Certificate from the respondents. He was issued with a Community Certificate by the Revenue Divisional Officer, Musiri, on 24.02.1992. Subsequently, the third respondent also issued a fresh Community Certificate on 18.10.2000, for the reason that the Community Certificate issued by the Revenue Divisional Officer, Musiri, was destroyed. Further, according to the petitioner, all his brothers, sisters and cousins applied for Community Certificate and all were issued with the same, after the enquiry.

3.The petitioner made an application to the first respondent, for issuance of the Community Certificate for his daughters. However, the first respondent rejected the application on the ground that the petitioner's brothers Community Certificates were issued by the third respondent. Therefore, he should make his application only before the third respondent. Pursuant to the order passed by the first respondent, the petitioner approached the third respondent. However, the third respondent also rejected the application, stating that he should approach only the first respondent. Thereafter, the petitioner submitted a fresh application to the first respondent and again, the first respondent rejected the application and directed the petitioner to go before the third respondent and get a Community Certificate. The order passed by the first respondent is under challenge in this Writ Petition.

4.Mr.J.Anandkumar, learned counsel appearing for the petitioner submitted that the petitioner is residing at Trichy and he is within the jurisdiction of the first respondent. When the first respondent is a resident of Trichy and residing within the jurisdiction of the first respondent, the first respondent should have considered the application submitted by him. Just because the petitioner's brothers were issued with the Community Certificate by the third respondent, that shall not confer any jurisdiction on the third respondent for the issuance of the Community Certificate to the petitioner, who is a resident of Trichy. It is pertinent to note that the petitioner's application seeking for the Community Certificate for his daughters is pending, since the year 2016. It is rather unfortunate even after a lapse of five years, the petitioner's application has not been considered by the respondents. Subject to the production of the documents to establish that the petitioner is a resident of Trichy, the first respondent namely, the Revenue Divisional Officer, Trichirapalli, should consider his application for the issuance of the Community Certificate for his daughters.

5.In such view of the matter, the order passed by the first respondent asking the petitioner to approach the third respondent for the issuance of the Community Certificate for his daughters is liable to be set aside. Accordingly, the same is set aside. The



first respondent is directed to consider the petitioner's application for the issuance of the Community Certificate for his daughters namely, M.Ragavi and M.Sakthi and pass orders on merits and in accordance with law, after conducting proper enquiry within a period of eight weeks from the date of receipt of copy of this order.

6.With these observations the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn/lr

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 Revenue Divisional Officer,
Trichirapalli.
2. The Tahsildar,
Trichy East,
Trichy District.
3. The Revenue Divisional Officer,
Lalgudi, Trichy District.

+1 CC to M/s.SPL. GP (SR-30003[F] dated 23/09/2021)

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MGJ(29.09.2021) 3P 5C