



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.19392 of 2021

and

W.M.P(MD)Nos.16126 and 16128 of 2021

R.Senthil Kumar,
S/o.M.Rengasamy,
Trustee/GB Member,
Arulmigu Santha Kula Sowmiya Narayana Kavaraya Kattalai,
Palani, Dindigul District. ... Petitioner

Vs.

1.The Joint Commissioner,
H.R. & C.E. Department,
Dindigul.

2.The Inspector,
H.R. & C.E. Department,
Palani,
Dindigul District.

3.The Fit Person,
Arulmigu Santha Kula Sowmya
Narayana Kavaraya Kattalai, Palani/
The Executive Officer,
Arulmigu Gopinathaswami Thirukovil,
Reddiyarchathiram,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the Notification issued by the second respondent in Na.Ka. No.13/2021/A1 dated 29.09.2021 and quash the same insofar as to clauses 3 & 5 are concerned as illegal and unlawful and consequently direct the first respondent to conduct the election for the Board of Trustee and Annual General Body Meeting without insisting the production of the "Gavara" Community Certificate for the members of the 11 Oor 24 Manai Arulmigu Santha Kula Sowmiya Narayana Kavaraya Kattalai, Palani, Dindigul District.



For Petitioner : Mr.A.Mohan
For R-1 and R-2 : Mr.P.Subbaraj,
Counsel for State.
For R-3 : Mr.G.Prabhu Rajadurai

ORDER

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The petitioner challenges a notification dated 29.09.2021 of the Joint Commissioner, H.R. & C.E Department in relation to the Annual General Body Meeting of the 11 Oor 24 Manai Arulmigu Santha Kula Sowmiya Narayana Kavaraya Kattalai (the Kattalai).

2. The petitioner states that he belongs to the Hindu Gavara Naidu Community. However, he states that in Tamil Nadu, the Erumaikkara Nayakkar Community is classified as Hindu Gavara, whereas they are called as Hindu Yadava and Nayakkar in the State of Kerala and Gowli in the State of Karnataka. He also points out that the Kattalai consists of a general body of 58 members. Out of the 58 members, it is stated that 23 are from Tamil Nadu and 35 from other States. Consequently, it is stated that many of the general body members would not have a Community Certificate specifying that they belong to the Gavara Community. On such basis, Clauses 3 and 5 of the notification are assailed.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first and second respondents and Mr.G.Prabhu Rajadurai, learned Standing Counsel, accepts notice for the third respondent. Mr.G.Prabhu Rajadurai draws reference to the order dated 10.02.2021 in W.P(MD).No.17717 of 2020. He points out that by such order it was directed that the Gavara Community Certificate should be produced by all candidates. On account of the fact that the Kattalai is governed by a scheme which prescribes that it is intended for the Gavara Community, he states that the stipulation in the notification is reasonable and that no interference is warranted therewith. In addition, he points out that the notification was issued on 29.09.2021 and that the petitioner has approached the Court on the day prior to the elections.

4. In response, the petitioner points out that he is not a candidate at the election. In fact, he submits that the order of this Court mandates that candidates should produce the Gavara Community Certificate and not general body members. He also states that the general body members would produce letters from the office bearers of relevant Village associations stating that the relevant general body members belong to the Erumaikkara Nayakkar Community.

5. Upon considering the rival contentions, W.P(MD).No.19392 of 2021 is disposed of by directing the first respondent to permit persons who produce letters from the office bearers of the respective Village associations indicating that such persons belong to the Erumaikkara Nayakkar Community to participate in the Annual



General Body Meeting. However, it is made clear that such persons cannot contest the election. There will be no order as to costs. Consequently, W.M.P(MD)Nos.16126 and 16128 of 2021 stand closed.

Sd/-

Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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 Joint Commissioner,
H.R. & C.E. Department,
Dindigul.

2.The Inspector,
H.R. & C.E. Department,
Palani,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-33199[F] dated 29/10/2021)

W.P(MD)No.19392 of 2021
28.10.2021

PS (CO)

KB(17.11.2021) 3P 4C