



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.20085 of 2021

K.A.Subramanian

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer/Sub-Collector,
Trichy,
Trichy District.

3.The Tahsildar,
Thiruverumbur Taluk,
Trichy District.

4.The District Collector,
Karur,
Karur District.

5.The Revenue Divisional Officer/Sub Collector,
Kulithalai,
Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.A3/1724/2021 dated 03.08.2021 and quash the same and consequently, directing the respondents to issue Community Certificate to the petitioner's daughter namely Subashree.K.S and son namely Sabarish.K.S that they belong to "Kattunayakan (ST) Community".

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.P.Subbaraj,
Government Advocate

**ORDER**

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.)

The writ petition has been filed by the petitioner seeking to quash the order passed by the second respondent in his proceedings in Na.Ka.A3/1724/2021 dated 03.08.2021 and consequently, to direct the respondents to issue "Kattunayakan (ST) Community" certificate to the petitioner's daughter namely Subashree.K.S and son namely Sabarish.K.S.

2.The writ petitioner is the native of Trichy and belongs to Kattunayakan(ST) Community.His father K.V.Arumugam, S/o.Vellaiyan, has already been given the community Certificate in the year 1978 by the Deputy Tahsildar, Kulithalai, Trichy District. The brother of the petitioner's father V.Chinnadurai has also obtained the Community Certificate in the same year. At the time of obtaining the community certificate, they were living at Keeranur Village, Trichy District. Once again, during the year 2001, after verification of the original certificate issued in the year 1975, the second respondent had issued a 'Kattunayakan Community Certificate' to the petitioner's father on 29.01.2001. The petitioner was also issued a Community Certificate on the same day. It is stated that the petitioner has also made an application on 28.01.2019 before the second respondent along with necessary documents seeking Community Certificate to his daughter Subashree.K.S and son Sabarish.K.S and the petitioner has also enclosed all the Community Certificates issued to him, his father, his wife and his paternal uncle. An enquiry was also conducted. However, surprisingly, the second respondent the Revenue Divisional Officer, Trichirappalli vide the impugned order, dated 03.08.2021, refused to issue the Community Certificate to the petitioner's children stating that the native of the petitioner is Keeranur Village, Kadavur Taluk, Karur District and 'Kulatheivam' of the petitioner's family is in Kollimalai, Namakkal District, the petitioner has to apply for the Certificate in Karur District and rejected his application. Hence, this writ petition.

3. Heard Mr.K.Mahendran, learned counsel appearing for the petitioner and Mr.P.Subbaraj, learned Government Advocate appearing for the respondents.

4. When the petitioner has already got a community certificate and his father was also issued with the community certificate, it is only an enquiry that is required and after verification of the certificates earlier issued, community certificate is to be issued to the children of the petitioner. But, it is surprising that the second respondent has rejected the application made by the petitioner on the ground that he has got no jurisdiction and directed the petitioner to go to Karur District and obtain the



certificates. The above order passed by the second respondent cannot be sustained and the same is liable to be set aside.

4. In the result, the writ petition is allowed and the impugned order of the second respondent, dated 03.08.2021, is hereby set aside. The matter is remitted back to the second respondent to consider the same in the light of the certificates already been produced by the petitioner and issue appropriate community certificate to the children of the petitioner. The above exercise is to be completed within a period of four weeks from the date of receipt of a copy of this order. No Costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Pm

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,
Trichy District,Trichy.

2.The Revenue Divisional Officer/Sub-Collector,
Trichy, Trichy District.

3.The Tahsildar,
Thiruverumbur Taluk,
Trichy District.

4.The District Collector,
Karur, Karur District.

5.The Revenue Divisional Officer/Sub Collector,
Kulithalai, Karur District.

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-33894[F] dated 10/11/2021)

+1 CC to M/s.SPL.GP SR-33913[F] dated 10/11/2021)

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