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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.NOS.7943 AND 7947 OF 2022
AND
W.M.P.NOS.7939 AND 7940 OF 2022

T.Rajagopal

... Petitioner in
W.P.No.7943 of 2022

T.Mukil

... Petitioner in
W.P.No.7947 of 2022

.Vs.

The Revenue Divisional Officer,
Kallakurichi District.

... Respondent in
both cases

COMMON PRAYER:-

Petitions filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records relating to the order of online rejection of the petitioners' application in Application Numbers TN-5202110227973 and TN-5202110228000 passed by the respondent dated 24.02.2022 quash the same and direct the respondent to issue Community Certificate to the petitioner that he belongs to Malaikuravan (ST) Community based upon the Community Certificate already issued to the petitioner's father C.Theerthagiri in Proceedings No.Si.Pa.No.1/2003 dated 03.01.2003.

For Petitioners : Mr.V.Elangovan

For Respondent : Mr.K.V.Sajeev Kumar
Special Government Pleader



COMMON ORDER

[Order of this Court was delivered by T.RAJA, J.]

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Challenging the online rejection Application Numbers TN-5202110227973 and TN-5202110228000 dated 24.02.2022 passed by the respondent, the petitioners have come to this Court seeking a direction to the respondent to issue them Community Certificate, based upon the Community Certificate already issued to their father C.Theerthagiri in Proceedings No.Si.Pa.No.1/2003 dated 03.01.2003 stating that he belongs to Malaikuravan (ST) Community.

2. Learned counsel appearing for the petitioners submitted that the father of the petitioners belong to 'Malaikuravan Community', which is classified as a Scheduled Tribe Community and he obtained Community Certificate from the respondent on 03.01.2003, in which it has been stated that he belongs to 'Malaikuravan Community' and in the school records, the community of the petitioners' father is entered as 'Malaikuravan Community'. Learned counsel for the petitioners further submitted that one of the sisters' son of the petitioners' father, namely, S.Manivannan had obtained community certificate from the Revenue Divisional Officer, Vriddhachalam on 14.06.2007 stating that he belongs to Malaikuravan (ST) Community. Therefore, the petitioners' father preferred an application to the respondent on 25.02.2019 requesting to issue community certificate to his children, namely, the petitioners herein. Since no order has been passed, the petitioners' father preferred Application Numbers TN-5202110227973 and TN-5202110228000 dated 24.02.2022 to the District Collector, who had directed the respondent to communicate regarding the action taken on his representation dated 12.01.2021. As against the online rejection Application Numbers TN-5202110227973 and TN-5202110228000 dated 24.02.2022 passed by the respondent, the petitioners have come to this Court.

3. Learned Special Government Pleader appearing for the respondent fairly submitted that since the written instruction dated 01.04.2022 received from the respondent clearly says that issuance of community certificate to the petitioners would be considered after receipt of the Anthropologist report, the impugned orders, rejecting the issuance of community certificate to the petitioners, could be set aside.

4. As the impugned orders ought not to have been passed before receiving the Anthropologist report, the impugned orders are set aside. After receipt of the Anthropologist report, if the respondent on proper consideration of evidence, comes to the



conclusion that the petitioners are eligible to get the community certificate, the respondent shall issue community certificate to the petitioners within a period of eight weeks from the date of receipt of the Anthropologist report. If the respondent entertains any doubt, the respondent is at liberty to hear the petitioners before passing any order.

5. With the above direction, these writ petitions are partly allowed. Consequently, W.M.P.Nos.7939 and 7940 of 2022 stand closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vga

To

The Revenue Divisional Officer,
Kallakurichi District.

+2ccs to Mr.V.Elangovan, Advocate, S.R.Nos.22656 & 22657
+1cc to the Government Pleader, S.R.No.23227 & 23228

W.P.NOS.7943 AND 7947 OF 2022 AND
W.M.P.NOS.7939 AND 7940 OF 2022

PMK(CO)
PBS/20/04/2022