



W.P.No.15529 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

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R.Chinnasamy

...Petitioner

Vs.

1.The District Collector,
District Collector Office
Dharmapuri District.

2.The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

3.The Tahsildar,
Taluk Office, Karimangalam,
Dharmapuri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent passed in Na.Ka.No.8218/2019/KO3, dated 21.02.2020 confirming the order dated 10.05.2019 in Na.Ka.No.A4/6334/2018 of the 2nd respondent and the order dated 23.08.2018 in Pa.Mu.3863/2018/A4 of the 3rd respondent and quash the



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same and consequently direct the respondents to issue the 'Panniandi' Schedule Caste Community certificate to the petitioner, within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mrs.C.Sangamithirai
Special Government Pleader

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

The petitioner is aggrieved by the rejection of his claim for community certificate certifying that he belongs to 'Panniandi' a Scheduled Caste Community.

2. The petitioner in support of his claim would rely upon the community certificate issued to his brother Madhaiyan by the Tahsildar, Karimangalm on 20.03.2018. A perusal of the order of the Tahsildar, Karimangalm shows that the community certificate has been issued on the ground that the father of the petitioner has been described as one belonging



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to 'Panniandi' community in the sale deed of the year 1997 and on the ground that the wife of the brother of the paternal grand father of the petitioner has obtained a certificate stating that she belongs to 'Panniandi' community.

3. However, when the petitioner applied for grant of such certificate based on the certificate issued to his brother, the Authorities after a detailed enquiry, concluded that all the relatives of the petitioner have been shown to belong to Hindu-Jogi, a community which is classified as Most Backward Class Community. The Tahsildar, Karimangalam by his order dated 23.08.2018 concluded that in all the school records, revenue records and sale deeds executed by the blood relations of the petitioner they have been described as belonging to Hindu-Jogi community. On the said finding he rejected the claim of the petitioner.

4. Aggrieved, the petitioner appealed to the Revenue Divisional Officer/ Sub-Collector, Dharmapuri. By an order dated 10.05.2019, the sub-Collector, Dharmapuri confirmed the order of the Tahsildar. He found that



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in the school records of the petitioner's own sister, brothers and the petitioner's paternal uncle, grand son of the petitioner's paternal grand uncle and grand daughter of the petitioner's paternal uncle have all been described as persons belonging to Hindu-Jogi community which is classified as Most Backward Class community. The daughter of the paternal uncle of the petitioner was also shown as belonging to Hindu-Jogi community. Except the document dated 31.07.1997, the sale deed executed by the petitioner's father, wherein, he has been shown to have been belonging to 'Panniandi' community, all the available records denoted that the petitioner's near relatives/ blood relatives belong to Hindu-Jogi, which is a Most Backward Class community. On the said finding the Sub-Collector confirmed the orders of the Tahsildar. Aggrieved the petitioner preferred a second appeal before the District Collector, Dharmapuri, which was also dismissed by the order impugned in the writ petition.

5. We have heard Mr.R.Bharath Kumar, learned counsel appearing for the petitioner and Mrs.C.Sangamithirai, learned Special Government Pleader appearing for the respondents 1 to 3.



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6. Mr.R.Bharath Kumar, learned counsel appearing for the petitioner would submit that once the brother of the petitioner has been favoured with a certificate, the rejection of the claim of the petitioner is justified. He would also point out that it is the specific case of the petitioner that the description that they belong to Hindu-Jogi, which is a Most Backward Class community is a mis-description and persons belonging to petitioner's community have been described as belonging to Hindu-Jogi more by way of practice.

7. Contending contra, the learned Special Government Pleader would submit that the fact that the petitioner's brother has been favoured with a certificate to the effect that he belongs to Scheduled Caste viz., 'Panniyandi' will not entitle the petitioner to issuance of such certificate. The Authorities have upon detailed enquiry found that the claim of the petitioner cannot be accepted. Instances of cases where petitioner's relatives have been shown as belonging to Most Backward Class Hindu-Jogi have been narrated by the Authorities in the orders impugned in the writ petition. The petitioner



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has no case that such entries are not correct or they are false. The claim of the petitioner that it is by practice they are described as Hindu-Jogi cannot be accepted. She would also point out that the Collector while passing order in the appeal filed by the petitioner has also recommended for cancellation of the certificate issued to the brother. Therefore, according to the learned Special Government Pleader the petitioner has not established that he belongs to the Scheduled Caste Community and hence, she should not be allowed to high-jack the benefits that are made available to the under privileged community.

8. We have considered the rival submissions. No doubt, the brother of the petitioner has been favoured with the certificate to the effect that he belongs to the Scheduled Caste community. We find that such certificate has been issued only on the basis of two documents viz., the community certificate issued to one Chinnapapa and the sale deed of the year 1997, wherein, the petitioner's father was described as belonging to 'Panniandi' community. But, during the subsequent enquiry, it has been found that none of the other relatives of the petitioner claimed that they



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belong to 'Panniandi' community and they have always been described as people belonging to Hindu-Jogi.

9. Even the petitioner's school records show that he belongs to Hindu-Jogi a most backward community. In the light of plethora of documentary evidence such as school records, revenue records as well as description in various sale documents, we are unable to fault the conclusion of the Authorities. As rightly pointed out by the learned Special Government Pleader merely because of the wrong certificate issued to the brother of the petitioner that wrong should not be perpetrated by issuing another certificate in favour of the petitioner.

10. We therefore do not find any merit in the writ petition. The writ petition therefore fails and it is accordingly **dismissed**. No costs.

(R.S.M.,J.) (K.B.,J.)
18.10.2022

dsa

Index :Yes/No

Internet :Yes/No

Speaking order/Non-Speaking order

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