



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28216 of 2021

Dr.N.Puviarasan

... Petitioner

Vs.

1. Union Territory of Puducherry
Represented by its Chief Secretary,
Secretariat,
Goubert Avenue, White Town,
Puducherry.
2. The Deputy Collector (Revenue) - North,
Puducherry.
3. The Tahsildhar Cum Executive Magistrate,
Oulgaret Taluk Office,
Puducherry.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 2nd respondent herein in his proceedings No.5615/DC(R)N/A2/2021/2680 dated 21.10.2021 and quash the same inso far as it relates to confirmation of proceedings of the 3rd respondent in rejection of Nativity/Residence Certificate of the applicant Selvi.Thendral and consequently direct the respondent herein to issue the Nativity/Residence Certificate to the said applicant under the category of Nativity by birth.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.C.T.Ramesh,
Additional Government Pleader,
Puducherry.

O R D E R

The petitioner has filed this writ petition seeking quashment of the impugned order dated 21.10.2021 by the 2nd



respondent and direction to the respondent to issue Nativity/Residence Certificate to the petitioner.

2. Heard the arguments advanced on either side.

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3. The case of the petitioner is that he had made an application to the 3rd respondent for issuance of Nativity/Residence Certificate and Community Certificate for his daughter, which is to be utilized for her higher education purpose. A discrete enquiry was conducted by the Village Administrative Officer and a report was filed, based on which, the 3rd respondent rejected the claims of the petitioner for issuance of Nativity/Residence Certificate and Caste Certificate vide his proceedings No.4996/TOO/A/Res/2021 dated 08.09.2021. Aggrieved by the same, the petitioner preferred an appeal before the 2nd respondent letter dated 09.09.2021 and consequently, the same was dismissed and the impugned order was passed in his proceedings No.5615/DC(R)N/A2/2021/2680 dated 21.10.2021. Challenging the same, this Writ Petition has been filed.

4. The learned counsel for the petitioner submitted that the Birth Certificate of the applicant issued by the Registrar of Oulgaret Municipality clearly shows that the applicant was born on 23.08.2003 at Jipmer Hospital within Union territory of Puducherry. Despite that, the 3rd respondent has rejected the application for issuance of Nativity/Residence Certificate and Caste Certificate filed by the petitioner on the ground that his daughter is not physically residing in Puducherry for the past 5 years. Also that the petitioner was a Central Government employee and as per the service record, it is evident that his home town is Puducherry. Therefore, it would suffice, if this Court permits the petitioner to produce his employment certificate before the 2nd respondent and set aside the impugned order passed by the 2nd respondent.

5. Mr.C.T.Ramesh, learned Additional Government Pleader appearing for the respondents has no serious objection in filing of the documents by the petitioner and remanding the matter to the 2nd respondent for consideration.

6. In view of above, the impugned order is set aside and the matter is remanded to the 2nd respondent and this Court directs the petitioner to produce his employer certificate before the 2nd respondent for verification within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent, after providing an opportunity of hearing the petitioner, may pass appropriate orders on the same in accordance with law within a period of four weeks after the production of the certificate.



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7. This Writ Petition is disposed of with the aforesaid direction. No cost.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary,
Union Territory of Puducherry
Secretariat,
Goubert Avenue, White Town,
Puducherry.
2. The Deputy Collector (Revenue) - North,
Puducherry.
3. The Tahsildhar Cum Executive Magistrate,
Oulgaret Taluk Office,
Puducherry.

+1cc to Mr. Ravichander, Advocate, S.R.No.5281

+1cc to Government Pleader (Puducherry), Advocate, S.R.No 5453

[28/04/2022]

W.P.No.28216 of 2021

MG (CO)
SU (22/02/2022)