



W.P.No.27655 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.27655/2022

Suo Motu

..

Petitioner

vs.

1. The State of Tamil Nadu
rep. by the Principal Secretary,
Revenue and Disaster Management Department,
Fort St. George, Chennai-600 009.
2. The Commissioner,
Revenue and Disaster Management Department,
Chepauk, Chennai-600 005.
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The Revenue Divisional Officer,
Sriperumbudur,
Kancheepuram District.



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5. The Tahsildar,
Kundrathur Taluk,
Kancheepuram District.

.. Respondents

Suo Motu Writ Petition under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus, directing the respondents to
examine the facts and circumstances and the right of the deceased
Mr.Velmurugan as well as the right of his son, who was deprived of
Community Certificate and to submit a report before this Court within a
time stipulated by this Court.

For Petitioner :: Suo Motu

For Respondents :: Mr.J.Ravichandran
assisted by
Mrs.R.Anitha, Spl.G.P.



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ORDER

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(Order of the Court was made by the Hon'ble Acting Chief Justice)

Learned members of the Bar brought to the notice of a learned Single Judge (Mr. Justice S.M.Subramaniam) of this Court for initiation of appropriate action against an attempt to commit suicide by one Mr.Velmurugan inside the premises of the High Court of Madras for the reason that he was deprived of getting Community Certificate for his son V.Prithivi Ruban by the Revenue Authorities in spite of the fact that he has approached the said authorities repeatedly and finding no response for getting a Community Certificate for his son stating that he belongs to Hindu Narikuravar Scheduled Tribe Community. Entertaining such a request, the learned Single Judge by an order dated 12.10.2022 has taken cognizance of the same.

2. The order dated 12.10.2022 passed by the learned Single Judge of this Court states that one Mr.Velmurugan, while residing at Padappai, falling under the territorial jurisdiction of Kancheepuram District, for not



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getting Hindu Kuravar Scheduled Tribe Community Certificate in favour of his son made an attempt to commit suicide inside the premises of the High Court premises. Therefore, the learned Single Judge observed that the court cannot keep its eyes closed, when such an incident takes place inside the premises of the High Court. Accordingly, the Commissioner for Revenue Administration, Chepauk, Chennai and the District Collector, Kancheepuram District were impleaded as party respondents in the suo motu writ proceedings for the purpose of submitting their response.

3. Pursuant thereto, when the matter was listed for hearing before this Court, Mr.J.Ravindran, learned Additional Advocate General assisted by Mrs.R.Anita, learned Special Government Pleader appearing for the respondents sought for time to file a detailed Status Report after holding enquiry by competent authorities on the issue raised by the learned Single Judge as to what happened to the deceased Mr.Velmurugan to take such an extreme decision to end his life within the premises of the High Court.



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4. Accordingly, Status reports have been filed by the District Revenue Officer, Kancheepuram and the District Collector, Kancheepuram District, Kancheepuram, the 3rd respondent herein.

5. A perusal of the Status Report of the District Revenue Officer, Kancheepuram reveals that an enquiry was conducted on Mr.V.Mohan, Headmaster of Meensurutti Government Boys Higher Secondary School, Udayarpalayam Taluk, Ariyalur District on 19.10.2022 where the deceased's father Mr.Kaliyamoorthy worked and recorded his statement. During the enquiry, it was found that the father of the deceased Mr.Velmurugan, namely, Mr.Kaliyamoorthy joined as Secondary Grade Teacher on 03.01.1983 in Ariyalur, Trichy District, Kavarapalayam Government High School and retired in Meensurutti Government Boys Higher Secondary School, Udayarpalayam Taluk, Ariyalur District after serving from 18.01.1990 to 31.12.2007 and the said Kaliyamoorthy in his service register has registered his caste as Kuravan (SC) Community. A true copy of the



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service register has also been enclosed. A perusal of the same also reveals that Mr.Kaliyamoorthy, father of the deceased Velmurugan has entered his community as 'Scheduled Caste Hindu Kuravan'. It further reveals that when another enquiry was conducted in the National Training Institute at Kattumannar Koil, Cuddalore District on 19.10.2022 for the reason that the deceased Velmurugan studied Diploma in ITI in the year 1999, Mr.K.Durai Raj, the Principal of the Institute has also produced the relevant records in which it has been found that the deceased was a resident of Muthuservamadam Village of Udayarpalayam Taluk, Ariyalur District and he studied Motor Mechanic Vehicle (MMV) Course during the academic year 1999-2001 and had also registered his community as 'Hindu Kuravan (SC)' in the Transfer Certificate. A true copy of the register has also been enclosed.

6. A perusal of the Status Report filed by the 3rd respondent, namely, the District Collector, Kancheepuram District, Kancheepuram, reveals that the Online application of the deceased Velmurugan dated



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20.09.2022 for getting Hindu Kuravar Scheduled Tribe Certificate for his son was rejected on the ground that there is no blood relation link between the applicant and the brother of the deceased since in the community certificate of the deceased's brother enclosed with the Online Application, his father's name was shown as Elavarasan, S/o.Elangovan whereas the applicant's father's father name was shown as Kaliyamurthy and also directed him to apply with correct records. Further, the report received by the 3rd respondent herein from the District Collector, Ariyalur also reveals that the deceased's father Mr.Kaliyamoorthy who worked as a teacher in Government Boys Higher Secondary School, Meensuruti Village, entered his caste in his Service Register as 'Hindu Scheduled Caste Kuravan'.

7. In the light of the status reports filed by both the District Revenue Officer, Kancheepuram and the District Collector, Kancheepuram, it is crystal clear that the deceased Mr.Velmurugan and his son V.Prithivi Ruban belong to Hindu Kuravan Scheduled Caste Community Only and not Scheduled Tribe Community. This apart, as stated supra, Online application



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of the deceased Velmurugan dated 20.09.2022 for getting Hindu Kuravar Scheduled Tribe Certificate was rejected by the Revenue Divisional Officer on 26.09.2022. As per G.O.Ms.No.235, Revenue (RA3(2)) Department, dated 26.06.2015, the Government have issued orders providing an Appellate Authority for filing an appeal against the order passed by the Revenue Divisional Officer. For better understanding, the said Government Order is extracted here under :

"ABSTRACT

Revenue Administration – Certificates – Issue of Community Certificates – providing appellate authority – Orders – Issued.

Revenue [RA3(2)] Department

G.O. (Ms.) No.235

Dated 26.06.2015

Aani, 11

Thiruvalluvarandu 2046

Read :

- 1. G.O.(Ms.)No.581, Revenue Department, dated 03.04.1987*
- 2. G.O.(Ms.)No.921, Revenue Department, dated 15.06.1991*
- 3. G.O.(2D)No.108, AD & TW Department, dated 12.09.2009*
- 4. Orders of Hon'ble Madurai Bench of Madras High Court in W.P. (MD)No.1335 of 2015, dated 05.02.2015*
- 4. Orders of Hon'ble Madurai Bench of Madras High Court in W.P.(MD) Nos.6340 & 6341 of 2015, dated 15.06.2015.*



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ORDER :

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In the Government Order first read above, the duties and responsibilities for certain functionaries with executive functions such as Revenue Divisional Officers Tahsildars/Deputy Tahsildars/Revenue Inspectors with a view to tone up the administration in the Revenue Department at the district and lower levels and to ensure normal standards of efficiency along Revenue Officials were prescribed.

2. The Hon'ble Madurai Bench of Madras High Court in the order fourth read above has ordered as follows:

"All the caste certificate cases which naturally require a factual adjudication, at least one appeal remedy for 'Scheduled Caste', Scheduled Tribes' and 'Backward Class' should be provided, which may in the form of scrutiny by the District Level Vigilance Committee. We thus has call upon the Secretary, Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu to look into the matter and provide an appeal remedy for the factual scrutiny of even other cases.compliance."

3. Based on the observation made by Hon'ble Madurai Bench of Madras High Court in W.P. (MD) No.1355 of 2015 that there is a need to have one appeal remedy for issue of Community Certificate to Scheduled Caste, Scheduled Tribe, Backward Classes at the District Level. Government have examined the issue with reference to Government orders issued earlier and Revenue Department's Citizens Charter 2007. Though there are general provisions for appeal against orders passed by subordinate to the immediate higher authority in the hierarchy and such provisions are being used by the public for redressal of grievances, as there is no specific mention of appellate authority in case of community certificate. The existing arrangements for issue of certificates are given below:-



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S.No.	Community	Issuing Authority	Redressal of Grievances
1.	Backward Classes / Most Backward Classes / Denotified Communities	Zonal Deputy Tahsildar	District Collector
2.	Scheduled Castes	Tahsildar	District Collector
3.	Scheduled Tribes	Revenue Divisional Officer	District Collector & Chairman, District Level Vigilance Committee

4. In light of the observation made by the Hon'ble Madurai Bench of Madras High Court, the Government hereby orders that the appellate authority for appeal remedy with regard to issue of community certificates are as follows:

Sl.No.	Community	Issuing Authority	Appellate Authority	Redressal of Grievances
1.	Backward Classes/Most Backward Classes/Denotified Communities	Zonal Deputy Tahsildar	Tahsildar	District Collector
2.	Scheduled Castes	Tahsildar	Revenue Divisional Officer	District Collector
3.	Scheduled Tribes	Revenue Divisional Officer	District Collector	District Collector & Chairman, District Level Vigilance Committee

5. This orders issue with the concurrence of the Adi-Dravidar



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and Tribal Welfare Department vide its U.O.No.4886/CV-1/2015-5, dated 26.06.2015.

(By order of the Governor)

*R.Venkatesan,
Secretary to Government."*

Thus, in the light of the above said Government Order, it is crystal clear that as against the rejection order of the Revenue Divisional Officer, when there is an alternative, efficacious and statutory appeal remedy available before the District Collector-cum-Chairman of District Level Vigilance Committee (Redressal of grievance), it cannot be said that the deceased and his son were made to run from pillar to post by the authorities concerned as there is no inaction on the part of the Revenue Divisional Officer and District Collector, Kancheepuram. Therefore, we are of the view that there is no point in keeping this writ petition pending unnecessarily on the file of this Court. However, it is made clear that if the son of the deceased Velmurugan is aggrieved by the rejection of the issuance of a Hindu Kuravan Scheduled Tribe Community Certificate by the Revenue Divisional Officer, Kancheepuram, as narrated earlier, it is open to



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him to work out his remedy in the manner known to law and if the son of the deceased Velmurugan approaches the Revenue Divisional Officer, Kancheepuram, he shall furnish the documents available with him for rejection of the claim of the deceased Velmurugan.

8. With the above observation and direction, the present Suo Motu Writ Petition is disposed of. No costs.

(T.R.,A.C.J.) (D.K.K, J.)

15.11.2022

Index : Yes/No
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To

1. The Principal Secretary,
State of Tamil Nadu,
Revenue and Disaster Management Department,
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2. The Commissioner,

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Revenue and Disaster Management Department,
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Kancheepuram District, Kancheepuram.
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THE HON'BLE ACTING CHIEF JUSTICE

AND

D.KRISHNAKUMAR, J.,

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