



W.P.(MD)No.17435 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :04.08.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.17435 of 2022
and
W.M.P(MD)No.12703 of 2022

R.Ramalakshmi

... Petitioner

Vs.

1. The District Collector,,
Collector Office,
Virudhunagar,
Virudhunagar District.

2. The Head Quarters Deputy Tasildhar,
Taluk Office,
Watrap,
Virudhunagar District.

3. The Tasildhar,
Taluk Office,
Watrap,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 05.07.2022 passed by the 2nd respondent in Application No. TN-5202207031188 and quash the same and thereby



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directed the 2nd Respondent to issue Community Certificate to Minor.Prithika as she belongs to “Hindu Telugu Patty Chetty Community” classified as “Most Backward Class” within a stipulated time.

For Petitioner : Mr.B.Rajesh Saravanan
For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the second respondent, dated 05.07.2022, in the application filed by the petitioner and to direct the second respondent to issue community certificate to her daughter Minor.Prithika as she belongs to “Hindu Telugu Patty Chetty Community” classified as “Most Backward Class”.

2. Heard Mr.B.Rajesh Saravanan, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader for the respondents.



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3. The case of the petitioner is that she belongs to “Hindu Telugu Patty Chetty Community” which is classified as “Most Backward Class” by the Government of Tamil Nadu. The petitioner also states that her husband also belongs to the same community. According to the petitioner, she had two daughters. Her elder daughter by name Manish Lakshmi was born on 30.11.2007 and the younger daughter by name Prithika was born on 04.10.2011. It is the further case of the petitioner that she applied for issuance of community certificate to both of her daughters. Even though a community certificate was given to her elder daughter showing her community as “Hindu Telugu Patty Chetty Community”, by the impugned order, the second respondent rejected the application which was filed for her younger daughter by name Prithika. Challenging the same, the above writ petition is filed.

4. The learned counsel appearing for the petitioner submitted that the second respondent has rejected the application of the petitioner in respect of her younger daughter Prithika without an application of mind and ignoring the fact that the application filed for getting community certificate for the elder daughter of the petitioner had been allowed. The learned counsel further pointed out that reasons for rejecting the application was that people belongs to “Hindu Telugu Patty Chetty Community” is not living in the village.



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5. Though it is stated by the petitioner that the second respondent did not consider the documents uploaded in the application, this Court is able to see that the second respondent has also made remarks as ***“not recommended - incorrect document upload so rejected”***. Reading of the impugned order shows that application has been summarily rejected through on-line with the following information ***“this persteluku pattu chetty this comminty not live in the village so not recommend”***.

6. First of all, it is fundamental that every order passed by the authority should contain reason. The reason in support of any order is very important. This Court and the Honourable Supreme Court has repeatedly held that the order by statutory authority in exercise of his administrative or quasi judicial function will be violative of principles of natural justice if reasons are not found.

7. In the present case, it is admitted that the petitioner had obtained community certificate for her elder daughter indicating that she belongs to “Hindu Telugu Patty Chetty Community”. It is also brought to the notice of this Court that the petitioner had obtained community certificate showing that she belongs to “Hindu Telugu Patty Chetty Community”. In the said



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circumstances, the impugned order without considering the previous order cannot be held valid. This Court noticed that order communicated through on-line without assigning reason need not be counted as valid for any purpose.

8. In the result, this writ petition is allowed and the impugned order passed by the second respondent, dated 05.07.2022, is hereby set aside. The third respondent is directed to consider the application of the petitioner and pass a reasoned order after giving opportunity to the petitioner to produce all the documents that are required. No Costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
04.08.2022

Index : Yes / No

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