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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P(MD)No.25443 of 2022

Senthamarai Priya ... Petitioner

vs.

1.The District Collector,
Tenkasi,
Tenkasi District.

2.The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.

3.The Tahsildar,
Taluk Office,
Sivagiri,
Tenkasi District. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to issue a community certificate based on the petitioner's representation, dated 02.09.2022.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

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ORDER

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

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the third respondent to issue a community certificate to the petitioner based on her representation, dated 02.09.2022.

2.The case of the petitioner is that she was born on 15.05.1990 to christian parents and her grandparents belonged to Devandra Kula Vellalar (Pallar), which comes under the Scheduled Caste community and hence, she was issued with Christian Pallar community certificate. While so, the petitioner married one Muthukumarasamy, who belongs to Hindu religion, due to which, she reconverted to Hinduism and changed her name as Senthamarai Priya, which was duly notified in the Government Gazette, dated 11.05.2022. Therefore, she made a representation, dated 07.06.2022 to the third respondent to issue a fresh Community Certificate as Hindu Pallar, which was not considered. Following the same, the petitioner made representations dated 04.08.2022 and 02.09.2022 to the respondent authorities, which also ended in vain. Therefore, this writ petition.

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3.Placing reliance on the decision of the Hon'ble Supreme Court in ***K.P.Manu, Malabar Cements Limited Vs. Chairman, Scrutiny Committee for verification of Community Certificate [AIR 1976 SC 1976]***, wherein, it was held that the reconversion to Hindu will revert to their original caste, the learned counsel for the petitioner prayed to this court that the claim of the petitioner seeking fresh community certificate as Hindu Pallar, may be directed to be considered by the respondent authorities.

4.On the other hand, the learned Special Government Pleader appearing for the respondents, on instructions, submitted that the respondent authorities have already rejected the petitioner's application seeking fresh community certificate, on 07.06.2022.

5.In reply, the learned counsel appearing for the petitioner submitted that without conducting proper enquiry and without providing any opportunity to the petitioner, such order came to be passed by the respondent authorities, which has been fairly conceded on the side of the respondents.

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6.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court is of the opinion that without following due process of law, the respondent authorities have rejected the petitioner's application for issuance of fresh community certificate and hence, the same is arbitrary, illegal and in violation of the principles of natural justice. Therefore, the respondent authorities are directed to consider the claim of the petitioner afresh and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
16.11.2022

Index : Yes / No
Internet : Yes
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R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
W.P(MD)No.25443 of 2022

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