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W.P.Nos.10755 & 10759 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.Nos.10755 & 10759 of 2023

J.Jayaprakash

.. Petitioner
(in W.P.No.10755 of 2023)

J.Kalaiselvan

.. Petitioner
(in W.P.No.10759 of 2023)

Vs.

The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

.. Respondent
(in both cases)

Prayer in W.P.No.10755 of 2023: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to issue community certificate to the petitioner's children namely J.Harry Prakash (Online Application ID No.TN-5202211044922) and J.Sanjai Kumar (Online Application ID No.TN-5202211044981) that they belong to Malaikuravan (ST) Community based upon the community certificate already issued to the petitioner and his brother J.Kalaiselvan and State Committee report of the petitioner's father's own brother son M.Parthiban in proceedings No.39237/CV-II/2007 dated 28.12.2009.



Prayer in W.P.No.10759 of 2023: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to issue community certificate to the petitioner's children namely 1) K.Yamunakalai (Online Application ID No.TN-5202211044723), 2) K.Mahalakshmi (Online Application ID No.TN-5202211044773) and 3) K.Logasri (Online Application ID No.TN-5202211044564) that they belong to Malaikuravan (ST) Community based upon the community certificate already issued to the petitioner and his brother J.Jayaprakash and State Committee report of the petitioner's father's own brother son M.Parthiban in proceedings No.39237/CV-II/2007 dated 28.12.2009.

In both cases:

For Petitioners	: Mr.S.Doraisamy
For Respondent	: Mr.A.Selvendran Special Government Pleader

COMMON ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioners have come out with the present Writ Petitions for a direction to the respondent to issue community certificate to their children that they belong to Malaikuravan (ST) Community based upon the community certificate already issued to the petitioners and State Committee report of the petitioners father's own brother son M.Parthiban in proceedings No.39237/CV-II/2007 dated 28.12.2009.



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2.By consent of both the learned counsel appearing for the petitioners as well as Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the respondent, these Writ Petitions are taken up for final disposal at the admission stage itself.

3.The issue involved in both the Writ Petitions are one and the same and hence, they are disposed of by this common order.

4.According to petitioners, they belong to 'Malaikuravan Community', which is classified as Scheduled Tribe (ST) Community and in their school records also, their community was entered as Malaikuravan. They obtained community certificate from the Tahsildar, Kallakurichi on 06.10.1998, stating that they belong to 'Malaikuravan' Scheduled Tribe (ST) community. They have obtained another community certificate from the respondent on 31.10.2001, as per the direction issued by the State Human Rights Commission, Tamil Nadu, on 14.12.2000. Their father's own brother's son Parthiban also obtained community certificate from the respondent on 28.08.2001, which was verified by the State Level Scrutiny Committee on 28.12.2009 and found that the said community certificate is genuine. For obtaining community certificate to their children, the petitioners preferred applications to the



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respondent on 25.02.2019, 15.11.2019, 27.01.2019 and 31.10.2022 separately, requesting to issue community certificate to them. Since no action has been taken, the petitioners separately sent another application to the respondent on 30.11.2022. Again, the petitioners made request through online on 04.11.2022. The Village Administrative Officer, Revenue Inspector, Deputy Tahsildar and Tahsildar conducted enquiry and made recommendation to the respondent that petitioners belong to Malaikuravan (ST) community. However, no community certificate was issued to the petitioners children. Hence, the petitioners have come out with the present Writ Petitions.

5.Today, the learned Special Government Pleader appearing for the respondent produced copy of the proceedings of the respondent dated 06.04.2023 and submitted that the petitioners request were considered by the respondent and the applications of the petitioners were rejected by the said proceedings. If the petitioners have any grievance, they have to file appeal before the State Level Committee challenging the said order and prayed for dismissal of both the Writ Petitions.

6.Heard the learned counsel appearing for the parties and perused

the entire materials on record.



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7. From the proceedings of the respondent dated 06.04.2023, it is seen that the respondent has not mentioned the date of application of the petitioners or the date of enquiry or the date of personal hearing given to the petitioners. Considering the submission of the learned counsel appearing for the petitioners that both the petitioners were issued Hindu Malaikuravan (ST) Community certificate and their father's own brother's son Parthiban also issued Hindu Malaikuravan (ST) Community certificate, the respondent is directed to consider the application of the petitioners taking into consideration the documents furnished by the petitioners and pass fresh orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above directions, both the Writ Petitions are disposed of. No costs.

(V.M.V., J) (V.L.N., J)
10.04.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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W.P.Nos.10755 & 10759 of 2023

V.M.VELUMANI, J.

and

V.LAKSHMINARAYANAN, J.

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To

The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

W.P.Nos.10755 & 10759 of 2023

10.04.2023