



WEB COPY



W.P.No.14552 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.14552 of 2020

and

W.M.P.No.18050 of 2020

A.Muniraj

.. Petitioner

Vs.

1.The District Collector,
District Collector Office,
Dharmapuri District.

2.The Revenue Divisional Officer,
Dharmapuri
Dharmapuri District.

3.The Tahsildar,
Taluk Office, Karimangalam
Dharmapuri District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the proceedings in Na.Ka.10227/2019/KO3 dated 29.02.2020 confirming the proceedings of 2nd Respondent issued in Pa.Mu.A4/7090/2018, dated 19.12.2018, quash the same and consequently direct the Respondents to issue “Panniandi” Schedule Caste Community Certificate to the Petitioner and his children, within the time to be stipulated by this Court.



W.P.No.14552 of 2020

For Petitioner : Ms.R.Divya Preathika
for Mr.R.Bharath Kumar

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

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

The present writ petition is filed calling for the records of the 1st respondent relating to the Proceedings in Na.Ka.10227/2019/KO3 dated 29.02.2020 confirming the Proceedings of the 2nd respondent issued in Pa.Mu.A4/7090/2018, dated 19.12.2018, quash the same and consequently, to direct the respondents to issue “Panniandi” Schedule Caste Community Certificate to the petitioner and his children, within the time to be stipulated by this Court.

2. Heard Ms.R.Divya Preathika, learned counsel appearing for the petitioner as well as Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1 to 3 and perused the entire materials on record.

3. According to the petitioner, he belongs to Panniandi Community, which is recognised as a Scheduled Caste as per



W.P.No.14552 of 2020

G.O.Ms.No.1564 dated 30.07.1965. He applied for Panniandi Scheduled Caste Community certificate for his five daughters and son to the 3rd respondent. The 3rd respondent without properly considering the application, rejected the same. The petitioner has filed an appeal dated 30.07.2018 before the 2nd respondent. The 2nd respondent has rejected the said appeal without properly considering the documents submitted by him. Thereafter, he filed another appeal dated 19.08.2019 before the 1st respondent. The 1st respondent herein has conducted an enquiry on 18.12.2019 and rejected the said appeal by the order dated 29.02.2020. Challenging the said order, the petitioner has come out with the present writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner's paternal uncle's son Muniappan and grand son Raja were issued with Panniandi Community certificate. In the school register of their daughters also it was recorded that they belong to Panniandi Community. The community certificate issued to his paternal uncle's son and grand son are still in force. The petitioner enclosed the said community certificates along with his application. The respondents did not consider the same and rejected his request for issuance of Panniandi



W.P.No.14552 of 2020

Scheduled Caste Community Certificate. The learned counsel appearing for the petitioner also produced the school records of petitioner's daughter M.Maragatham and submitted that the community for the petitioner's daughter M.Maragatham mentioned as 'Panniandi' and prayed for setting aside the impugned order and allowing the writ petition.

5. The 2nd respondent has filed counter affidavit. Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents submitted that on enquiry it was found that in the school records, the petitioner father's first wife viz., Venkallammal's Community was recorded as 'Hindu-Jogi' in the year 1955, which is Most Backward Community. Similarly, in the school records of petitioner's daughters also recorded that they belonged to 'Hindu-Jogi' which is Most Backward Community. The respondents considered all the materials and held that the petitioner does not belong to Panniandi Scheduled Caste Community and not entitled to such certificate and rejected the request of the petitioner. He further submitted that the respondents have given valid reason for rejection of the request of the petitioner and prayed for dismissal of the writ petition.



6. In reply, the learned counsel appearing for the petitioner submitted that the school records relied on by the learned Special Government Pleader with regard to Venkallammal is created one and she is uneducated and she never studied in the school.

7. From the materials on record and rival submissions of the learned counsel appearing for the petitioner and learned Special Government Pleader appearing for the respondents, it is the case of the petitioner that he enclosed the community certificates of his paternal uncle's son and grand son, showing that they belong to Panniandi Community which is Scheduled Caste. It is further case of the petitioner that when close relatives are issued with Panniandi Scheduled Caste certificate, the petitioner is also entitled to the same certificate. The learned counsel appearing for the petitioner also produced a school certificate signed by Headmaster, Government Higher Secondary School, Hanumanthapuram, showing that in the said school records it was recorded that the petitioner's daughter M.Maragatham belong to Panniandi Community. In the impugned order, nothing has been mentioned with regard to the alleged certificates produced before the respondents. In the counter affidavit as well as the submissions made by



W.P.No.14552 of 2020

the learned Special Government Pleader appearing for the respondents, there is no denial that the petitioner did not produce those certificates as alleged by him now. In view of the same, the impugned order is set aside and the appeal is remanded to the 1st respondent for fresh consideration on merits. The petitioner is directed to file a copy of the appeal dated 19.08.2019 enclosing all the documents now mentioned in the affidavit and typed-set of papers to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 1st respondent is directed to consider the same after giving opportunity of personal hearing to the petitioner and pass orders on merits and in accordance with law, as expeditiously as possible, in any event within a period of eight weeks, thereafter.

8. With the above directions, the Writ Petition is allowed. No costs.

Consequently, the connected miscellaneous petition is closed.

(V.M.V., J) (R.H., J)
19.01.2023

Index : Yes / No
Neutral Citation : Yes / No
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W.P.No.14552 of 2020

To

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W.P.No.14552 of 2020

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and
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W.P.No.14552 of 2020

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