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W.P.No.21489 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No.21489 of 2023
and
W.M.P.Nos. 20857 of 2023**

Manju Sundar

...Petitioner

Vs.

1. The District Collector,
Tiruvannamalai Collectorate Office,
Tiruvannamalai.- 604 407.
2. The Revenue Divisional Officer/
Sub Collector, Cheyyar,
Tiruvannamalai District,
Tiruvannamalai - 604 407.
3. The Thasildar,
Thasildar Office,
Tiruvannamalai District,
Tiruvannamalai - 604 407

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus to call for records relating to the
rejection order dated 07.06.2023 passed by the 2nd respondent with



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respect to the petitioner's application No.TN-520230518655 and quash the same and consequently direct the respondents to issue Kattunayakan community certificate to the petitioner's son namely "S.Naveen", within the time that may be stipulated by this Court.

For Petitioner : Mr.J.Calvin Jones

For Respondents : Mr.E.Vijayanand
Additional Government Pleader
for R1 to R3

ORDER

This Writ Petition has been filed challenging the rejection order dated 07.06.2023, in and by which, the petitioner's application seeking to issue Kattunayakan Community Certificate in respect of her son, namely "S.Naveen", was rejected.

2. Mr.E.Vijayanand, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, the main writ petition itself is taken up for final disposal.

3. According to the petitioner, she is the resident of Thiruvannamalai District and she belongs to Kattunayakan community (ST). Further, herself and her brother Mr.Dilip have received the community certificate from RDO of Ranipet, Vellore District on 28.01.2016. The petitioner's husband belongs to Kattunayakan



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community, however, he was not issued with a community certificate even after several request to the respondents. The petitioner's entire family are blood related and married within the families. The petitioner father late B.Purusothaman had been issued with community certificate of Kattunayakan community (ST) dated 27.07.1982 by the Deputy Tahsildar, Cheyyar, Tiruvannamalai District. Subsequently, as per G.O.Ms.No.1773 dated 23.06.1984, the SC & ST Amendment Act 1976, the petitioner's father once again, obtained Kuttunayakan community certificate from the 3rd respondent vide proceedings dated 23.03.1987. The petitioner family got shifted from Cheyyar, Tiruvannamalai District to Ranipet, Vellore District during 1988 since the petitioner's father got employment in Southern Railways. The petitioner sought for issuance of community certificate for her two sons viz., S.Naveen, aged 17 years and S.Nithish, aged about 15 years. But her application was rejected vide order dated 07.06.2023.

4. The grievance of the petitioner is that the rejection order has been passed without giving an opportunity of personal hearing to the petitioner and the rejection order is also one line order without considering the documents submitted by the petitioners.



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5. A perusal of the impugned order would go to show that it is a one line order. As the rejection order was passed without giving an opportunity of hearing to the petitioner, we are of the view that the impugned order is liable to be set aside and the matter has to be remanded to the authorities for passing fresh orders.

6. For the reasons stated above, the impugned order of rejection dated 07.06.2023 passed by the 2nd respondent is hereby set aside and the matter is remitted back to the 2nd respondent and the 2nd respondent is directed to pass orders afresh, after affording an opportunity of personal hearing to the petitioner. The said exercise shall be done by the 2nd respondent within a period of one month from the date of receipt of a copy of this order. Accordingly, the writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
vsi

(J.N.B,J.) (N.M., J.)
20.07.2023

To

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Tiruvannamalai Collectorate Office,



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J. NISHA BANU, J.
and
N.MALA,J.



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