



W.P.No.23283 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM

THE HONOURABLE Mrs.JUSTICE J.NISHA BANU

and

THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.23283 of 2023

and

W.M.P.No.22825 of 2023

Manju Sundar

...Petitioner

vs

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

.... Respondents

Writ Petition filed under Article 226 of the Constitution to issue a
Writ of Certiorarified Mandamus to call for records relating to the rejection



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order nil dated passed by the 2nd respondent with respect to the petitioner's application No.TN-5202305241005 and quash the same and consequently direct the respondents to issue Kattunayakan community certificate to the petitioner's son namely "S.Nithish" within the time that may be stipulated by this Court.

For Petitioner : Mr.I.Calvin Jones

For Respondents : Mr.E.Vijayanand,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the rejection order passed by the 2nd respondent and consequently, direct the respondents to issue Kattunayakan community certificate to the petitioner's son namely "S.Nithish" within the time that may be stipulated by this Court.

2. The case of the petitioner is that the petitioner belongs to Kattunayakan community (ST) and her brother Dilip has also received community certificate from RDO of Ranipet, Vellore District dated 28.01.2016 stating that he belongs to Kattunayakan community. The petitioner's father late B.Purushothaman was issued with community certificate Kattunayakan community (ST) dated 27.07.1982 by Deputy



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Tahsildar, Cheyyar, Tiruvannamalai District. Subsequently, as per G.O.Ms.No.1773 dated 23.06.1984, the SC & ST Amendment Act 1976, her father obtained Kattunayakan community certificate from the 3rd respondent vide proceedings dated 23.03.1987. Further, the petitioner family shifted from Cheyyar, Tiruvannamalai District to Ranipet, Vellore District during 1988, since her father was employed in Southern Railways. Her mother Vijaya and the petitioner's husband father Mr.Manohar are siblings, born to late Perumal and Kamatchi. The petitioner's husband belongs to the same Kattunayakan community. Further, the petitioner's father late B.Purusothaman is none other than the son of late Balakrishnan, who is the brother of the petitioner's late grandmother Kamatchi who is non other than her grandmother through her mother Vijaya. Therefore, all of them are blood relatives and married within the family. After marriage, the petitioner shifted to Cheyyar, Tiruvannamalai District from Ranipet, Vellore District and started her matrimonial home and two sons were born viz., S.Naveen, aged 17 years and S.Nithish, aged 15 years. The petitioner applied for community certificate before the respondents, however, the same was not issued. Since her son Naveen wished to pursue his higher studies, the college management requested to produce the community certificate.



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Even her son, S.Nithish, studying Class X requires community certificate.

The petitioner made online application to the 2nd respondent dated 18.05.2023 and 24.05.2023 with necessary documents for both her sons, S.Naveen and S.Nithish. However, the 2nd respondent rejected her request through the impugned order dated Nil, without any valid reason. The petitioner's cousin Sukumar S/o late Selvam, got his Kattunayakan community certificate from the 2nd respondent vide proceedings in No.A/3756/2019 dated 18.01.2019. Hence, the present writ petition has been filed with the aforesaid relief.

3. Learned counsel for the petitioner would state that the only grievance of the petitioner is that the rejection order was made online without looking into the documents produced by the petitioner. The community certificate of the petitioner's father, brother and cousin were not looked into. The petitioner's husband Mr.Sundar is none other than her cousin. She had married within the blood relatives. The respondent, without any valid reasons has passed a non-speaking order.

4. We have considered the submission made by the learned counsel for the petitioner and perused the materials available on record.

5. Considering the facts and circumstances, we are of the opinion that



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the petitioner has not been given an opportunity of hearing before rejecting the application for issuance of community certificate. Therefore, the impugned order is liable to be set aside. Accordingly, the impugned order dated nil, passed by the 2nd respondent with respect to application No.TN-5202305241005, is set aside. The matter is remitted back to the 2nd respondent to pass appropriate order on the application of the petitioner for issuance of community certificate, after giving due opportunity of hearing to petitioner and also by considering the documents to be produced by the petitioner. The said exercise shall be done by the 2nd respondent with a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
09.08.2023

Index:Yes/No
Speaking/Non-speaking order
vsi

To

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Tiruvannamalai Collectorte Office,
Tiruvannamalai - 604 407.



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

vs

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