



WEB COPY



W.P.Nos.24553, 24559 & 24562 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.Nos.24553, 24559 & 24562 of 2023
and

W.M.P.Nos.23968, 23976, 23977, 23979 & 23980 of 2023

D.Sasikumar Petitioner in W.P.No.24553/2023

P.Sudha Petitioner in W.P.No.24559/2023

S.Mothika Lakshmi
Minor D/o D.Ssikummar
rep.through her Father and Natural
Guardian,D.Sasikummar
S/o Late Duraisamy Petitioner in W.P.No.24562/2023

vs

1.District Level Scrutiny Committee,
represented by tis Chairperson,
Office of the District Collector,
Cotton Market Building,
Tiruppur - 641 604
Tiruppur District.

2. The Commissioner,
Revenue Administration,
Chepauk,
Chennai - 600 005.



W.P.Nos.24553, 24559 & 24562 of 2023

WEB COPY

3. The District Adi Dravidar and Tribal Welfare Officer, Office for the Tahsildar, Kangeyam - 638 701, Tiruppur District.
4. Revenue Divisional Officer, Dharapuram Division, Udumalpet - 638 657 Tiruppur District.
5. The Tahsildar, Office of the Tahsildar, Kangeyam Inner Taluk, Kangeyam - 638 701 Tiruppur District.
6. The Land Revenue Inspector, Kangeyam Inner Taluk, Velampalayam - 641 652, Tiruppur District.
7. The Village Administrative Officer, Vattamalai Village, Kangeyam Taluk, Tiruppur - 638 703 ...Respondents in all the W.Ps.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari and Mandamus to call for the records of the Common proceeding in Moo.Mu.6120/2022/E dated 29.12.2022 on the files of the 4th respondent, quash the same so far as the petitioners are concerned and consequentially direct the 4th respondent to restore the



W.P.Nos.24553, 24559 & 24562 of 2023

community certificate issued to the petitioners by the 5th respondent under 'Hindu Godda' in Certificate No.TN5202210193905, Certificate No.TN5202210194024 & Certificate No.TN5202210194221 respectively dated 30.10.2022.

(Prayer amended as per order dated 12.09.2023 passed by JNBJ & NMJ made in W.MP.Nos.26421 to 26423/2023)

For Petitioner : Mr.M.Mubarak Ahmad

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

COMMON ORDER

(The Order of the Court was made by N.Mala,J)

These writ petitions are filed challenging the common proceedings passed by the 4th respondent, by which, the 4th respondent had cancelled the community certificate issued to the petitioners and consequently, direct the 4th respondent to restore the community certificate issued to the petitioners by the 5th respondent.

2. The petitioners are father, mother and daughter respectively. According to the petitioner they belong to the community called 'Hindu Godda' which is recognised as a Schedule Caste in Serial No.21 in the



W.P.Nos.24553, 24559 & 24562 of 2023

WEB COPY

Schedule Annexure-I of G.O.Ms.No.1773 dated 23.06.1984. The petitioners applied for issuance of community certificate as per the above G.O. to the 4th respondent on 21.01.2022 through proper channel, the 5th respondent. The 5th respondent sent communication dated 29.01.2022 to the 6th respondent directing to conduct enquiry for the verification of caste status. Accordingly, the 6th respondent submitted a detailed report in proceedings dated 01.04.2022 stating that the petitioners' relative Tmt.Palaniammal W/o Venkatchalam had been given a community certificate in No.5228519 dated 12.07.2020. Similarly, the 7th respondent also submitted a detailed report stating that the petitioners had enclosed a copy of the community certificate of their relative Tmt.Palaniammal W/o Venkatachalam in certificate No.5228519. The 6th and 7th respondents submitted their respective Field Verification Report to the authorities. Subsequently, the petitioners made online application seeking for issuance of 'Hindu Godda' Scheduled caste community certificate and they were granted the said certificate by the 5th respondent vide Certificate No.TN5202210193905, Certificate No.TN5202210194024 & Certificate No.TN5202210194221 respectively dated 30.10.2022. However, the 4th respondent on the basis of an alleged complaint by the 5th respondent issued common proceedings



W.P.Nos.24553, 24559 & 24562 of 2023

WEB COPY

dated 29.12.2022 cancelling the community certificate issued to the petitioners. Aggrieved over the same, the petitioners filed a common appeal dated 23.01.2023 to the first respondent through proper channel, the 3rd respondent. The said appeal was submitted by the petitioner during the Grievance Redressal Day conducted by the 1st respondent. The 3rd respondent failed to place the appeal submitted by the petitioners before the competent authority viz., the 1st respondent and the 3rd respondent passed a common impugned order dated 31.01.2023, dismissing the appeal submitted by the petitioners. Hence, the present writ petitions.

3. Learned counsel appearing for the petitioners would state that before passing the cancellation order, no opportunity was given to the petitioners and the 4th respondent had mechanically passed a common order cancelling the community certificate issued to the petitioners. He would further submit that even in the statutory appeal filed by them which was rejected, no notice was served on the petitioners and they were not given any opportunity to establish their bonafides. Therefore, he would request that the RDO be directed to conduct fresh enquiry after giving opportunity to the petitioners and pass orders afresh.

4. Considering the facts and circumstances of the case, we are of the



W.P.Nos.24553, 24559 & 24562 of 2023

WEB COPY

view that the impugned order dated 31.01.2023 deserves to be set aside and the matter has to be remitted back to the RDO for fresh consideration. Accordingly, the impugned order dated 31.01.2023 passed by the 3rd respondent is hereby set aside and matter is remitted back to the Revenue Divisional Officer/4th respondent herein. The 4th respondent is directed to to conduct fresh enquiry after giving notice to the petitioners and by giving sufficient opportunity of hearing to them and pass orders afresh on merits and in accordance with law as expeditiously as possible. Accordingly, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B.,J.) (N.M.,J.)
12.09.2023
(2/2)

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

To

1. District Level Scrutiny Committee,
represented by tis Chairperson,
Office of the District Collector,
Cotton Market Building,
Tiruppur - 641 604
Tiruppur District.



W.P.Nos.24553, 24559 & 24562 of 2023

2. The Commissioner,
Revenue Administration,
Chepauk,
Chennai - 600 005.
3. The District Adi Dravidar and Tribal Welfare
Officer, Office fo the Tahsildar,
Kangayam - 638 701, Tiruppur District.
4. Revenue Divisional Officer,
Dharapuram Division,
Udumalpet - 638 657
Tiruppur District.
5. The Tahsildar,
Office of the Tahsildar,
Kangayam Inner Taluk,
Kangayam - 638 701
Tiruppur Distrit.
6. The Land Revenue Inspector,
Kangayam Inner Taluk,
Velampalayam - 641 652,
Tiruppur District.
7. The Village Administrative Officer,
Vattamalai Village,
Kangayam Taluk,
Tiruppur - 638 703



WEB COPY



W.P.Nos.24553, 24559 & 24562 of 2023

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

vsi

W.P.Nos.24553, 24559
& 24562 of 2023

12.09.2023