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W.P.No.25799 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.No.25799 of 2023
and
W.M.P.Nos.25238 of 2023

C.Magarajan

..Petitioner

Vs

The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tirupathur,
Tirupathur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records of the impugned order of the respondent in Na.Ka.A2/5469/2018 dated 09.09.2019 and quash the same and thereby direct the respondent to issue a Community Certificate to the petitioner's sons, daughters and grandchildren's namely, M.Manogaran and M.Sozharajan, Manimegalai, Malarkodi and Mageshwari, Mohanraj, Rubanraj, Menmozhi and Rudravishnu respectively



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on the basis of the petitioner's community certificate issued by the Tahsildar dated 19.05.1977 and on the basis of the ST Kurumans Community Certificate issued to the petitioner's close blood relatives confirmed by the District Level Vigilance Committee by its proceedings No.Na.Ka.Ko.5/10468/91 dated 02.05.2007 confirming that G.Sivaraj belongs to Hindu Kurumans ST Community and the ST Kurumans Community Certificate issued in favour of Sigamani was declared to be genuine by the District Level Vigilance Committee by its proceedings No.Na.Ka.Ko.5/91478/2000 dated 12.01.2006 within the time as stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Tamilvanan
for Mr.J.Ramakrishnan

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

ORDER

(The order of the Court was made by V.LAKSHMINARAYANAN,J)

The petitioner seeks for issuance of Community Certificate after quashing the order dated 09.09.2019 in Na.Ka.No.A2/5469/2018.

2. The petitioner's sons and other descendants have applied for community certificate on the basis of the certificate granted to the petitioner. The petitioner's certificate was granted as early as on



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19.05.1977. It has been held by the Division Bench of this Court in ***G.Venkitasamy & Another v. The Chairman, State Level Scrutiny Committee (2016(1) L.W.289)*** as well as the Supreme Court in ***R.Kandasamy v. Chief Engineer, Madras Port Trust (1997) 7 SCC 505*** that if the community certificate has been issued to a person and the same continues to be in force, his close relatives are entitled for that certificate.

3. In the present case, the petitioner C.Magarajan had been issued with the certificate as early as 19.05.1977. Mr.Tamilvanan, learned counsel for the petitioner asserts that the community certificate is valid and it has not been cancelled by the appropriate authorities. The petitioner further states that two close relatives had been issued with the community certificate and the same had been verified by the District Level Scrutiny Committee and found to be genuine. It is clear that their relationship is close from the genealogy that had been given at page 50 by the Tahsildar, Tirupathur Taluk.

4. It is also held by this Court that the certificates issued prior to 11.11.1989 by the Tahsildar are valid unless and until, the same is cancelled by the hierarchical authority including the State Level Scrutiny Committee. In this case, the Tahsildar has given a certificate as stated above



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on 19.05.1977 and the certificate is valid. Therefore, the rejection of the community certificate for the children and grandchildren is not in accordance with law. A direction is issued to the respondent to issue a community certificate to the applicants, after verifying, with the original certificate dated 19.05.1977. The impugned order is quashed. The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (V.L.N,J.)
04.09.2023

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

To
The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tirupathur,
Tirupathur District.



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J.NISHA BANU,J.
and
V.LAKSHMINARAYANAN,J.

vsi

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