



W.P.No.27620 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MRS. JUSTICE N.MALA

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R.Chandrasekaran

..Petitioner

Vs.

1. The District Collector,
Collectorate,
Salem District.

2.The District Adi Dravidar and
Tribal Welfare Officer,
Salem District.

3.The Revenue Divisional Officer,
Salem.

4.The Tahsildhar,
Salem.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent and 3rd respondent to pass necessary orders based on the recommendations of the 4th respondent made in Na.Ka.No.6336/2022/A1 dated 19.05.2023.



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For Petitioner : Mr.R.S.Selvam

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

(Order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed to direct the 1st respondent and 3rd respondent to pass necessary orders based on the recommendations of the 4th respondent made in Na.Ka.No.6336/2022/A1 dated 19.05.2023.

2. The case of the petitioner is that he belongs to Godda Community which is a Scheduled Caste community in Tamil Nadu, but the Revenue Officials issued community certificate to his family members as Hindu Boyar Community which falls under the MBC category in the state of Tamil Nadu. Such certificate was issued by the Revenue officials inadvertently as Hindu Boyar without proper verification or field inspection.

(ii). The petitioner's ancestors and others belonging to the Godda community were primarily engaged in the avocation of digging well,



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deepening of lakes and ponds by desilting manually. By a span of time, they were engaged in the construction works, defiling of bases and in other ancillary construction and earth removal avocations. Taking note of the semblance of practice and by relationship found in the avocation of both the communities, his community of Godda was recognised as sub-division of the Boyar Community in Tamil Nadu by many of the Revenue officials. From the report of the Anthropology Department of Madras University as well as from the report of Recent Indian anthropology, we were able to discern the difference among both the communities.

3. To appreciate the fact that the Godda community is a separate notified Schedule Caste community and placing them under the Boyar community was a mistake committed by the officials in the past, the petitioner made a representation to the respondents on 29.11.2022 along with necessary proofs, to issue fresh community certificate to his family members from Hindu Boyar (MBC) to Hindu Godda (SC). Thereafter, the 2nd respondent has forwarded the same to the 4th respondent for necessary action.



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4. The 4th respondent conducted a Field Inspection and have taken note of the indigenous god worship, the practice found in marriage and remarriage, worship of Kaalamman and Kanniamman and practice of untouchability inflicted on them, he made his recommendation to the 3rd respondent to cancel the community certificate of the petitioner's children as Hindu Boyar (MBC) and to re-issue community certificate as Hindu Godda (SC) vide his proceedings in Na.Ka.No.6336/2022/A1 dated 19.05.2023. But there was no action initiated by the 1st and 3rd respondents on such recommendation. Hence, the present writ petition.

5. Admittedly, the 4th respondent had conducted the field enquiry and has also recommended for issuance of Hindu Godda (SC) community in favour of the petitioner's children as early as on 19.05.2023. It is seen that the respondents 1 and 3 have not issued the certificate till date and therefore, the petitioner has sent a representation to the respondents on 29.11.2022, but till date no order has been passed. Therefore, the respondents 1 to 3 are directed to pass necessary orders based on the



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recommendation of the 4th respondent vide his proceedings in Na.Ka.No.6336/2022/A1 dated 19.05.2023 and issue community certificate. The said exercise shall be completed within a period of four(4) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of.

No costs.

(J.N.B.,J.) (N.M.,J.)
27.09.2023

Index : Yes / No
Speaking Order : Yes/No
Internet:Yes/No
Neutral Citation: Yes/No
msv

To

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And
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