



W.P.No.27965 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

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

W.P.No.27965 of 2023

D.Loganathan

...Petitioner

Vs.

1. The Collector,
Salem, Salem District.

2. The Revenue Divisional Officer,
Mettur, Salem District.

3. The Regional Manager (P and IR)
Southern Zonal Office,
No.153, LIC Building,
Anna Salai,
Chennai-600 002.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to implement the order of the State Level Scrutiny Committee passed in favour of the petitioner in Proceedings No.488/ CV-3(2) / 2015 dated 03.07.2023 and to issue community certificate to the petitioner and his daughters viz. L.Sharmila and L.Lavanya that they belong to Hindu-Kondareddis (ST) Community.



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For Petitioner : Mr.S.Doraisamy

For RR 1 and 2 : Mr.E.Vijay Anand
Additional Government Pleader

For R-3 : Service Awaited

ORDER

(Order of the Court was made by J.NISHA BANU,J.)

This Writ Petition is filed for issuance of a Writ of Mandamus directing the 2nd respondent to implement the order of the State Level Scrutiny Committee passed in favour of the petitioner in Proceedings No.488/ CV-3(2) / 2015 dated 03.07.2023 and to issue community certificate to the petitioner and his daughters viz. L.Sharmila and L.Lavanya that they belong to Hindu-Kondareddis (ST) Community.

2. (i) The case of the petitioner is that he belongs to Kondareddis community which is a Scheduled Tribe Community and he obtained the certificate from the Tahsildar, Hosur on 20.05.1981. In all school and college records, the community of the petitioner is recorded as Kondareddis. Based on the same, he was appointed as an Assistant in Life Insurance Corporation of India at Tiruchengode on 14.12.1981 and



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attained superannuation on 31.05.2021 at Chennai.

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(ii). The petitioner preferred an application to the Revenue Divisional Officer, Coimbatore on 29.10.2010 seeking community certificate to his daughters. The RDO forwarded the said application to the Tahsildar, Coimbatore to conduct an enquiry and submit a detailed report.

(iii). On 24.05.2011, the RDO, Coimbatore returned petitioner's application stating that since the petitioner's permanent abode is Salem District, he has to obtain community certificate in the said district. Against the said return of the application, the petitioner filed W.P.No.16317 of 2011 praying to quash the order of RDO, Coimbatore and to issue a community certificate to his daughters. This Court disposed of the aforesaid writ petition and gave liberty to the petitioner to approach the 2nd respondent within a period of ten days.

(iv). Thereafter the petitioner preferred an application to the 2nd respondent on 27.02.2012 along with his community certificate and community certificates of his family members. However, the 2nd respondent without considering the said documents, rejected the claim of the petitioner on 10.05.2013. Aggrieved by the said rejection, the



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petitioner filed W.P.No.30744 of 2013 and this Court vide order dated 23.09.2014 set aside the rejection order issued by the 2nd respondent dated 10.05.2013 and remitted back the matter to the 2nd respondent for fresh consideration.

3. On 03.07.2023, the Tamil Nadu State Level Scrutiny Committee-II, Adi Dravidar and Tribal Welfare Department, vide proceedings No.488/CV-3(2)/2015, held that the petitioner's claim that he belongs to Hindu-Kondareddis Scheduled Tribe Community is found to be genuine and true and directed the Revenue Divisional Officer, Mettur Taluk, to issue Hindu-Kondareddis Scheduled Tribe Community Certificate to the petitioner by following due procedure.

4. Pursuant to the above order of the State Level Scrutiny Committee, the petitioner filed online application to the 1st respondent-Collector, Salem District on 19.07.2023 seeking community certificate for him and his family members. However, no orders are passed till date and hence, the petitioner is before this court.



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5. The learned Additional Government Pleader has produced a copy of Letter No.5341420 /CV 3(2)/2023-1, dated 25.09.2023 issued by the Secretary to Government, Adi Dravidar and Tribal Welfare Department, and submitted that the Authority concluded that the final order passed by the State Level Scrutiny Committee with regard to community certificate of the petitioner is conclusive and final and therefore, suitable action be taken for issuance of ST community certificates. The said letter was addressed to the District Collector, Salem. The learned Additional Government Pleader, therefore, submitted that suitable direction may be issued to the respondents to issue community certificate to the petitioner.

6. This court heard the submissions of both sides counsel and perused the entire records.

7. At the time of admission of this writ petition, on 22.09.2023, this court directed the Additional Government Pleader to take notice for respondents 1 and 2 and also directed to get instructions. Further, issued notice to 3rd respondent. In the subsequent process, the Secretary



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to Government, Adi Dravidar and Tribal Welfare Department, vide

Letter dated 25.09.2023, observed as follows:

"3. Further, the State Level Scrutiny Committee-II has directed the Revenue Divisional Officer, Mettur Taluk to issue Hindu- Kondareddis Scheduled Tribe Community Certificate to the individual, Thiru.D. Loganathan S/o. Thiru.Devarajan by following due procedure.

4. In view of the above, it is clarified that the final order passed by the State Level Scrutiny Committee with regard to the Community Certificate of Thiru.D. Loganathan S/o. Thiru.Devarajan is the subject of enquiry by competent revenue authority and hence suitable action may be taken, as per the existing guidelines for issuance of ST Community Certificates."

In the light of the above letter dated 25.09.2023, the 2nd respondent is bound to issue community certificate to the petitioner without any further enquiry.

8. Since the petitioner has stated in the affidavit in paragraph 8, that he has preferred an application to the 1st respondent, Collector, Salem District, on 19.07.2023 seeking community certificate, and the present proceedings in letter dated 25.09.2023 is also addressed to the



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District Collector, Salem, and that the Revenue Divisional Officer, Mettur, Salem District, is the 2nd respondent herein, who is the competent authority to issue community certificate, we deem it fit to pass the following direction:-

The 2nd respondent - Revenue Divisional Officer, Mettur, Salem District, is directed to issue Hindu- Kondareddis Scheduled Tribe Community Certificate to the petitioner and his daughters viz. L.Sharmila and L.Lavanya on or before 05.10.2023.

9. This Writ Petition is disposed of with the above direction.
There shall be no order as to costs.

10. Post the matter 'for reporting compliance' on 06.10.2023.

(J.N.B, J.)

(N.M, J.)

Index : Yes / No

26.09.2023

Internet : Yes / No

dsn/nvsri

Note: Issue order copy forthwith.



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To

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J. NISHA BANU, J.



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and
N.MALA, J.

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