



W.P.No.28685 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 28685 of 2023
and W.M.P.No.28240 of 2023

K.Govindan

..Petitioner

Vs.

1. The Collector,
Tiruvallur,
Tiruvallur District.

2. The Revenue Divisional Officer,
Tiruttani,
Tiruvallur District.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of rejection passed in proceedings in Na.Ka.No.J3/3196/2020 dated 10.05.2023 on the file of the 1st respondent confirming the order of rejection passed in proceedings in Na.Ka.579/2018/A2 dated 14.08.2019 on the file of the 2nd respondent, quash the same and direct the 2nd respondent to issue community certificate to the petitioner's sons viz., 1) G.Mannaru and 2)G.Suresh that they belong to Kondareddis (ST) Community based upon the

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community certificate already issued to the petitioner and his brother K.Ranganathan.

For Petitioner : Mr.S.Doraisamy

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 call for the records relating to the order of rejection passed in Na.Ka.No.J3/3196/2020 dated 10.05.2023 on the file of the 1st respondent confirming the order of rejection passed in Na.Ka.579/2018/A2 dated 14.08.2019 on the file of the 2nd respondent, and quash the same and consequently direct the 2nd respondent to issue community certificate to the petitioner's sons viz., 1) G.Mannaru and 2)G.Suresh that they belong to Kondareddis (ST) Community based upon the community certificate already issued to the petitioner and his brother K.Ranganathan.



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2. The case of the petitioner is that he belongs to Kondareddis community which is classified as Scheduled Tribe community. He obtained community certificate from the Tahsildar, Tiruttani on 10.05.1982 that he belongs to Kondareddis (ST) Community. The above certificate was issued to him after due enquiry and the same was not cancelled by any authority. His own brother had also obtained community certificate from the Tahsildar, Tiruttani on 02.11.1977 that he belongs to Kondareddis (ST) Community.

3. Today, when the matter is taken up for hearing, learned counsel appearing for the petitioner would state that since community certificate is required for the petitioner's children education, he submitted an application to the 2nd respondent, requesting issuance of community certificate. In support of his claim, he enclosed the following documents:

- (i). petitioner's community certificate dated 10.05.1982
- (ii). community certificate of his own brother K.Ranganathan
- (iii). School records of his sons G.Mannaru and G.Suresh
- (iv). Sale Deed
- (v). Family Card



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4. In support of his submission, the learned counsel relied upon the ratio laid down by the Hon'ble Supreme Court in the case of ***State of Bihar vs. Sumit Anand*** reported in **2015 (12) SCC 248**, wherein the Hon'ble Supreme Court held that once the parents are having a valid Community Certificate, their children are entitled to obtain a community certificate that they belong to Kurumans (ST) community.

5. It is unfortunate to note that the rejection order has been passed without considering the community certificates produced by the petitioner. We have been repeatedly observing that a community comprises the members of the family and also members of the same group or tribe or caste and that the children derive their community from their parents and members of the family. If they have been given community certificate, their children, are entitled to the said certificate without any further verification.

6. In the present case, the petitioner was issued with the community certificate that he belongs to Scheduled Tribe Community of Kondareddis by the Tahsildar, Tiruttani on 10.05.1982, after due verification



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and enquiry. Therefore, the authorities cannot take a different view and reject the petitioner's application for his children. The authorities are only required to examine their relationship and issue community certificate.

7. In view of the above, rejection orders dated 14.08.2019 and 10.05.2023 passed by the respondents are hereby set aside and the Revenue Divisional Officer, Tiruttani, Tiruvallur District/ 2nd respondent is directed to issue a Certificate to the effect that the petitioner' children belong to Scheduled Tribe Community of Kondareddis within a period of four(4) weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is allowed. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
05.10.2023

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

1. The Collector,
Tiruvallur,
Tiruvallur District.

2. The Revenue Divisional Officer,
Tiruttani,
Tiruvallur District.



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J.NISHA BANU,J.

And

N.Mala,J.

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