



W.P.No.33024 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.06.2023

Coram:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE P.DHANABAL

Writ Petition No.33024 of 2022

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1. E.Arumugam
2. Kalidas
3. A.Narayanamoorthy (minor)
S/o Arumugam (guardian)

.. Petitioner

Vs.

1. The District Collector,
Chairman of SC/ST Vigilance Committee,
Villupuram.
2. The Revenue Divisional Officer,
Villupuram Revenue Divisional Office,
Villupuram.
3. The Director (i/c),
Adi-Dravidar and Tribal Welfare Department,
Tribal Research Centre,
Cultural Anthropologist,
M.Pallada, Udhagamanalam-643 003.
4. The Tahsildar,
Vanur Taluk,
Villupuram District.
5. The Village Administrative Officer,
T.Parangani, Vanur Taluk,
Villupuram District.
6. The Revenue Inspector,

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Uppuvellur Post,
Uppuvelur Vilage,
Vanur Taluk, Villupuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the impugned records of the second respondent herein in rejecting the petitioners' applications, dated 24.05.2022 followed by culminating into impugned records of the second respondent herein in rejecting the petitioners' reminders application dated 28.10.2022 and quash the same and consequently direct the respondents herein to issue Scheduled Tribe Community Certificate to the petitioners herein under the category of Hindu, Irular Community.

For petitioner : Mr.K.Mohammed Hydher Ali

For respondents: Mr.E.Vijay Anand, Addl.G.P.

ORDER

(The Order of the Court was made by D.Krishnakumar, J)

The petitioners have filed the Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the impugned records of the second respondent herein in rejecting the petitioners' applications, dated 24.05.2022 followed by culminating into impugned records of the second respondent herein in rejecting the petitioners' reminders application dated 28.10.2022 and quash the same and consequently direct the respondents herein to issue Scheduled Tribe Community Certificate to the petitioners herein under the category of

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Hindu, Irular Community.

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2. Learned counsel for the petitioners had filed the present Writ petition stating that the petitioners have applied to the respondents for issuance of the Community Certificate to them claiming that they belong to Irular Community (Scheduled Tribe). The applications of the petitioners were rejected by the second respondent through on-line. The same is under challenge in this Writ Petition.

3. According to the petitioners, they have made the applications along with the relevant documents to show that the petitioners are entitled for issuance of the Community Certificate which is Scheduled Tribe Community status, as they belong to Irular Community.

4. The second respondent has not applied mind, thereby, the applications of the petitioners were rejected simply without giving any reasons in the same. Therefore, the impugned order is liable to be set aside.

5. Learned Additional Government Pleader appearing for the respondents has also not disputed the fact that the second respondent has passed the rejection order without adducing any reasons for the same. Therefore, we safely come to the conclusion that the impugned order passed by the second respondent is mechanically passed without application of mind and hence, it is a non-speaking order and is liable to be set aside for several reasons. Hence, the impugned order is liable to be quashed and the Writ Petition is liable to be

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allowed.

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6. In fine, we are inclined to quash the impugned order and accordingly, the impugned order is quashed, directing the second respondent to consider the applications of the petitioners, dated 24.05.2022, afresh and pass appropriate orders by following the procedures contemplated under law. The second respondent shall also provide an opportunity of hearing to the petitioners for producing any additional particulars, if any. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, the Writ Petition is allowed.

There shall be no order as to costs.

(D.K.K., J) (P.D.B., J)
20.06.2023

Speaking Order: Yes/no

Neutral Citation: Yes/no

CS

To

1. The District Collector,

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Chairman of SC/ST Vigilance Committee,
Villupuram.

2. The Revenue Divisional Officer,
Villupuram Revenue Divisional Office,
Villupuram.
3. The Director (i/c),
Adi-Dravidar and Tribal Welfare Department,
Tribal Research Centre,
Cultural Anthropologist,
M.Pallada, Udhagamanalam-643 003.
4. The Tahsildar,
Vanur Taluk,
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6. The Revenue Inspector,
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D.KRISHNAKUMAR, J



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and

P.DHANABAL, J

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