



W.P(MD)No.4642 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.4642 of 2022

R.Shreya

... Petitioner

VS.

1. The District Collector,
Office of the District Collectorate,
Karur District.

2. The Revenue Divisional Officer,
Karur District,
Karur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 2nd respondent in his proceedings in O.Mu.Aa.1/475/2022 dated 29.01.2022 and quash the same as illegal and consequentially to direct the Respondents to issue the Community Certificate to the petitioner certifying her as Hindu "Kattunayakkan Community" as Scheduled Tribe in the light of the order passed by the Tamil Nadu State Level Scrutiny Committee-III, Adi Dravidar and Tribal Welfare Department, Chennai, in his proceedings No.20940/CV-5/2015-6 dated 16.10.2019.



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For Petitioner : Ms.H.Jasima Yasmin for
M/s.Ajmal Associates
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

Challenge in this writ petition is to the wholly unjust order of the 2nd respondent namely, the Revenue Divisional Officer, Karur, rejecting the request for community certificate made by the petitioner.

2. The petitioner claimed that she belonged Kattunayakkan Community, a scheduled tribe community and sought for a certificate. In support of her claim, the petitioner had produced her school records, school records of her father and the certificate issued to one Kannadasan, paternal uncle of the petitioner, evidencing that he belongs to Kattunayakkan Community, a scheduled tribe community. It is also pertinent to point out at this juncture that the community certificate of the paternal uncle of the petitioner was verified by the State Level Scrutiny Committee and the same was



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upheld by order dated 16.10.2019. The Revenue Divisional Officer called for a report from the Tahsildar, Karur. After considering the report, the Revenue Divisional Officer rejected the application directing the petitioner to go and approach the appropriate authority in Namakkal District which is the native place of the petitioner's father. It is this rejection which is challenged in this writ petition.

3. We have heard Ms.H.Jasima Yasmin, learned counsel appearing for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents.

4. Ms.H.Jasima Yasmin, learned counsel appearing for the petitioner would point out that the Tahsildar's report itself shows that the petitioner and her parents are residents of Karur District for more than 15 years. It is also seen from the transfer certificate that has been produced, the petitioner had her entire education in Karur District. The said fact is also admitted by the Tahsildar in his report. A legal heirship certificate has been issued by the Tahsildar, Krishnarayapuram, which is also now in Karur District. Apart from all the above, a certificate has been issued even in the year 1974 by the



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Tahsildar evidencing the fact that the petitioner's paternal uncle Kannadasan belongs to Kattunayakkan Community. It is, therefore, clear that the petitioner and her parents and even her grandparents were residents of Karur District only. Therefore, driving the petitioner to Namakkal District which, of course, is the native district, in our opinion is uncalled for.

5. Mr.S.P.Maharajan, learned Special Government Pleader would produce G.O(Ms)No.61, Adi Dravidar and Tribal Welfare (ADW-10) Department, dated 04.04.2006, wherein, a direction is issued to the officers to follow the instructions of the Government of India which read as follows:-

"4. In the letter 3rd read above, the Government of India has also stated as "the place of permanent abode of their parents" as mentioned in the above circular first read above would mean

"The term 'their parents' used in the said phrase, will include not only the parents but also the grand parents, subsequent genere also. Therefore, only when a Scheduled Tribe certificate is issued to a person born after the date of notification of a particular Presidential Order, based on the permanent abode of his parents, then his children, grand children i.e., successive generation, will also continue to be



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entitled to claim the status of Scheduled Tribes in the state of their ancestors, who were residing on the date of notification of the particular Presidential Order."

6. The Government letter dated 22.03.1977 would clarify that a person will have to apply for a certificate in his place of permanent abode. A place of permanent abode is a place of permanent residence and not a native place. A perusal of the records as well as the reports of the Tahsildar in the case on hand, would show that the parents and the grandparents of the petitioner were residents of Karur District for sufficient number of years, though they originated from Namakkal District. The Government Order relied upon by the learned Special Government Pleader does not support his contention. We are, therefore, of the view that the impugned rejection order has to be set aside.

7. The Writ Petition is, therefore, allowed and the order impugned in the writ petition is set aside. There will be a direction to the 2nd respondent to consider the application of the petitioner for issuance of community certificate based on the supporting documents that have been filed by the petitioner and pass orders



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within a period of four weeks from the date of receipt of a copy of this order. Considering the fact that the petitioner has been unnecessarily driven to this Court due to lack of comprehension on the part of the 2nd respondent, the State will pay a cost of Rs. 50,000/- (Rupees Fifty Thousand only) to the petitioner within a period of four weeks from the date of receipt of a copy of this order. It will be open to the State to recover the said sum from the officer concerned who passed the order impugned in the writ petition. No costs.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
21.06.2023

Index : Yes / No

Neutral Citation : Yes / No

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To

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R.SUBRAMANIAN, J.
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ORDER MADE IN
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