



W.P.(MD)No.6419 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6419 of 2023

A.Karuppasamy

: Petitioner

Vs.

1.The Chairman,
State Level Scrutiny Committee,
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 9.

2.The District Collector,
Thirunelveli District.

3.The Revenue Divisional Officer,
Thirunelveli Division,
Thirunelveli District.

: Respondents



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PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the third respondent in his proceedings in மு.மு.எண்அ/7/515/2021, dated 30.05.2022 and ந.க.எண். அ/7/1906/2022 நாள் : 23.06.2022 quash the same as illegal and consequently, direct the 2nd respondent to issue Hindu Kattunayakkan Community Certificate on the basis of the petitioner appeal dated 13.06.2022 and 15.06.2022 to the petitioner daughter namely K.Nanthini and the petitioner son namely, K.Santhosh.

For Petitioner : Mr.V.Palanichamy

For Respondents : Mr.A.Baskaran
Addl. Govt. Pleader

ORDER

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

Mr.A.Baskaran, learned Additional Government Pleader appears for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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2.Challenge in this writ petition is to the order of the Revenue Divisional Officer, Tirunelveli, rejecting the request of the petitioner on behalf of his children for community certificate on the ground that the petitioner will have to approach the Revenue Divisional Officer, Tenkasi since he hails from Sankarankovil, which now form part of Tenkasi.

3.The learned counsel for the petitioner would submit that once the petitioner and his wife, namely, parents had been recognized as people belonging to the Hindu-Kattunayakkan Community and the certificate had been issued, the Revenue Divisional Officer was not justified in rejecting the request on the ground that the petitioner will have to make his request in his native district.

4.Admittedly, the petitioner is now working at Tirunelveli Government Hospital. It is also admitted that the petitioner has been favoured with the certificate by the Sub-Collector, Tirunelveli, even in the year 1994 to the effect that he belongs to Hindu-Kattunayakkan Community. The reliance is sought to be placed on the instruction of the Commissioner



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of Revenue Administration to the effect that community certificate shall be issued only in the native district and not to the place of settlement. The Revenue Divisional Officer appears to have rejected the request of the petitioner.

5.No doubt, the present community certificate should emanate from his native district. Such rule cannot be followed uniformly without reference to the facts of the case. If there is no dispute regarding the community certificate, then the official at the place, where the applicant resides, can consider the application for issuance of community certificate. The facts reveal that there is no dispute regarding the community of the petitioner. He has been favoured with the certificate even in the year 1994 to the effect that he belongs to Schedule Tribes Community of Kattunayakkan. The wife of the petitioner, who studied upto 8th standard also has been shown belong to Kattunayakkan Community. When the petitioner seeks certificate for his children in the light of the undisputed facts, the Revenue Divisional Officer, Tirunelveli would have issued the certificate without tracking the petitioner to Tenkasi. We could see reason



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for such exercise. There is some uncertainty regarding the community of the petitioner, detailed enquiry is necessary. In the absence of such factual background, we do not think that the Revenue Divisional Officer could mechanically reject the applications and refer the parties to the native district. It is not uncommon for the Schedule Tribes person or any other person for that matter to severe actions with the native district. Therefore, driving such person to the native district should be fettle.

6.Hence, the order impugned in this writ petition is set aside. There will be a direction to the Revenue Divisional Officer, Tirunelveli, to reconsider the application of the petitioner and issue community certificate as required by the petitioner. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7.This writ petition is allowed accordingly. No costs.

[R.S.M., J.] & [L.V.G., J.]
24.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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