



W.P.(MD) No.10903 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

CORAM:

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

W.P.(MD) No.10903 of 2023

and

W.M.P.(MD) No.9555 of 2023

Veyil Selvi

... Petitioner

-VS-

1. The District Collector,
Tenkasi District.
2. The District Revenue Officer,
Tenkasi District.
3. The Revenue Divisional Officer,
Tenkasi Division, Tenkasi District.
4. The Tashildar,
Taluk Office, Kadaya Nallur Taluk,
Tenkasi District.
5. The Chief Secretary,
Government of Tamil Nadu,
St.George Fort, Chennai-600 009.
(R5 is Sua Motu impleaded *vide* Court Order



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dated 01.06.2023 in W.P(MD). 10903/2023

by RSMJ)

... 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 impugned on-line rejection order passed by the 3rd respondent in the petitioners on line Application No.TN-5202209235047, dated 07.10.2022 and quash the same and consequently direct the 3rd respondent to grant community certificates to the petitioners minor daughter Durga Devai as Hindu Kattu Nayakkan by considering the petitioner petitioner online application dated 23.09.2022.

For Petitioner : Mr.V.Muthuvelan

For Respondents : Mr.P.Veera Kathiravan
Additional Advocate General

assisted by Mr.S.P.Maharajan
Special Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The petitioner is aggrieved by the online rejection of her application for a community certificate on the ground that she has not produced the community certificates of her parents.



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2. It is the specific case of the petitioner that her parents are uneducated and they have not obtained the certificate. Surprised with the inaction by the Government since 1994 in complying with the direction issued by the Hon'ble Supreme Court of India in ***Kumari Madhuri Patil and another v. Additional Commissioner, Tribal Development and others*** (hereinafter referred to as “*Madhuri Patil*”), reported in ***1994 (6) SCC 241***, we, while impleading the Chief Secretary of the Government of Tamil Nadu, by our order dated 01.06.2023 requiring the Chief Secretary to file an affidavit explaining the action taken by the Government for framing any law or rules as directed by the Hon'ble Supreme Court of India in the case of ***Madhuri Patil***. Pursuant to our direction, the Chief Secretary has filed an affidavit stating that at least now nearly after thirty years, the Government is in the process of putting together the “Manual”, that too, after positive directions having been issued by this Court on 30.11.2022 in W.P.No. 13854 of 2022. We accept the affidavit of the Chief Secretary and hope that such Manual is put in place by the end of July 2023, as assured by the Chief Secretary. This takes us to the next question, viz., ground of rejection in the case on hand.



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3. The online rejection is for the reason that the petitioner has not produced her parent's certificate. The petitioner has produced the certificate issued by the competent authority, viz., the Revenue Divisional Officer, Thirupparankundram, certifying that her brother Kalimuthu belongs to “Hindu Kattu Naiyakkan” community. The certificate of the husband of the petitioner has also been produced. No doubt, the certificate of the husband of the petitioner cannot be the basis for issuance of the community certificate but, the certificate of her own brother would definitely form basis for issuance of certificate. When the petitioner has come up with the specific case that her parents had not obtained the certificate, it is rather strange to see that the revenue officials, in a blindfolded manner, rejected the application of the petitioner on the ground that she has not produced her parent's certificate. Though the affidavit of the Chief Secretary filed today states that regular sensitization programmes are being conducted, we do not find that those programmes had any effect on the officers down the pipeline. To reject the claim of the community certificate on the ground that the petitioner has not produced her parent's certificate is to say the least, highly reprehensible. The authorities can conduct an inquiry based on the documents that had been



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produced before it and thereafter come to a conclusion. The development of technology has also its own pitfalls. This case is the classic example to one such pitfalls. The authorities, despite drawing their salary out of the tax money of the public are quite insensitive to the needs of the public.

4. For the foregoing reasons, the writ petition is allowed and the online rejection order dated 07.10.2022 passed by the third respondent is set aside. There will be a direction to the third respondent to conduct an inquiry in terms of the judgment of ***Madhuri Patil's*** case, and pass appropriate orders on merits without being influenced by any of the observations made by us in this order. Such order shall be passed within a period of thirty (30) days from the date of receipt of a copy of this order. Any non-compliance will be viewed seriously. The third respondent – the Revenue Divisional Officer, Tenkasi Division, Tenkasi District, who passed the order personally and not by the Government, will pay the costs of Rs.10,000/- (Rupees Ten Thousand only) to the petitioner for having driven the petitioner to the Court by passing such insensitive orders, on or before 29.06.2023 and the receipt shall be produced before this Court. Consequently, connected miscellaneous petition is closed.



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5. Post the matter on 30.06.2023 under the caption “for reporting compliance”.

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

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NCC : No
Index : No
Internet : Yes
PKN



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