



W.P.(MD)No.12532 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.12532 of 2023

and

W.M.P.(MD)No.10592 of 2023

1.P.Marino Ram

2.P.Bharathi

3.P.Jeyaram

... Petitioners

Vs.

1.The District Collector,

Madurai District,

Madurai-625 020.

2.The Revenue Divisional Officer,

Madurai District, Madurai.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings issued by the first respondent in Na.Ka.No.47412/L8/2020 dated 17.09.2021 and quash the same and consequently, to direct the 2nd respondent to



W.P.(MD)No.12532 of 2023

conduct the enquiry for issuing for petitioners community certificate for right to education, life and liberty and as per the direction of SC/ST commission order, dated 23.12.2022.

For Petitioners : Mr.A.George Stephen

For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The order of the District Collector, Madurai District / 1st respondent dated 17.09.2021, rejecting the claim of the writ petitioners for grant of Kattunaiken Community Certificate, is under challenge in the present Writ Petition.

2.The learned counsel for the petitioners mainly contended that the property document furnished by the grandfather of the writ petitioners would reveal that the family of the petitioners belongs to Kattunaiken Community. The petitioners have produced family tree and the documents to establish that their family belongs to Kattunaiken Community. However, the application submitted



by the father of the writ petitioners itself was rejected by the State Level Scrutiny Committee. When the State Level Scrutiny Committee conducted an enquiry, it was found that the father of the writ petitioners does not belong to Kattunaiken Community. Therefore, the question of considering the case of the petitioners would not arise at all. The order passed by the State Level Scrutiny Committee became final and that being the factum, further claim of the legal heirs cannot be considered and therefore, it was rightly rejected by the District Collector, Madurai.

3.The issuance of Community Certificate more specifically to Scheduled Tribes is to be made scrupulously by following the procedures and by conducting a thorough enquiry. Mere production of certain documents would be insufficient and the genuinity of the documents and the principles laid down by the Supreme Court in *Madhuri Patel Vs. Additional Commissioner for Tribal Development* reported in *AIR 1995 SC 94* are to be scrupulously followed. The factual findings made by the State Level Scrutiny Committee in the case of the father of the petitioners became final and the said findings are also binding on the petitioners and consequentially, the District Collector, Madurai has also considered and rejected the application submitted by the petitioners for grant of Kattunaiken Community Certificate. Therefore, we do not find any infirmity in respect of the



W.P.(MD)No.12532 of 2023

findings made by the District Collector, Madurai in the impugned order.

Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)

05.10.2023

($\frac{1}{2}$)

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1.The District Collector,
Madurai District,
Madurai-625 020

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



WEB COPY



W.P.(MD)No.12532 of 2023

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

W.P.(MD)No.12532 of 2023

and

W.M.P.(MD)No.10592 of 2023

05.10.2023