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W.P.(MD) No.18069 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD) No.18069 of 2023

S.Kasturi Ram

... Petitioner

-VS-

1.The Revenue Divisional Officer
Dindigul District
Dindigul

2.The Tahsildar
Athur Taluk
Dindigul District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to issue community certificate to the petitioner's minor children 1)S.K.Vijay Surya (son) and 2) S.K.Jay Varsana (daughter) to the effect that they belong to the Hindu



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Kattunaicken Community (ST) pursuant to the recommendation submitted by the second respondent in proceedings Na.Ka.No.16/2023/A3, dated 05.04.2023, within a period of one week so as to enable the minor children to seek admission to the professional colleges under the ST category.

For Petitioner : Mr.V.Vijayashankar

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

Mr.T.Villavan Kothai, learned Additional Government Pleader, takes notice for the respondents.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. This writ petition is filed for issuance of a writ of mandamus directing the first respondent to issue community certificate to the petitioner's minor children certifying that they belong to Hindu – Kattunayakan Community.



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4. The petitioner has filed this writ petition on behalf of his minor children. It is the case of the petitioner that his family belongs to Hindu – Kattunayakan Community, which is classified as Scheduled Tribe under the Constitution (Scheduled Tribes) Order, 1950. The petitioner has produced a community certificate issued to him by the Special Thasildar, Updating Registry Unit II, Dindigul (West), certifying that he belongs to Hindu – Kattunayakan Community. The petitioner has also stated that his close relatives, including cousins, were issued with a community certificate certifying that they belong to Hindu – Kattunayakan Community. It is also brought to the notice of this Court that the Tahsildar and the Revenue Inspector have recommended for issuance of such community certificate to the petitioner's minor children. In these circumstances, the petitioner has approached this Court, as the first respondent, who is the competent authority to issue community certificate, has not issued the same to his minor children.

5. Learned counsel for the petitioner, in support of his contentions, placed reliance upon the decision of the Division Bench of this



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Court in **C.V.Kalaivanan vs. The Sub-Collector, Mettur Dam**, reported in **2010 (3) CTC 673**, wherein the Division Bench of this Court, in similar circumstances, has held as follows:

“13.We also of the considered view that the petitioner herein is entitled for issuance of Community Certificate as belonging to “Konda Reddy” Community on the basis of the Community Certificates issued to his parents and his brother, which are in force. Following the ratio of the decisions, referred to above, we are inclined to give a positive direction to the respondent herein to issue Community Certificate to the petitioner as belonging to “Konda Reddy” Community.”

6. Though the petitioner relied upon the recommendation of the Tahsildar, Athur Taluk, learned Additional Government Pleader appearing for the respondents, however, has produced before this Court the communication dated 26.07.2023, which he had received from the Tahsildar, Athur Taluk, wherein the Tahsildar has indicated that the petitioner and his family members were not residing in the place, which he had mentioned in the application as his origin place.



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7. We are not inclined to go into the factual details that are available in the communication of the Tahsildar, Athur Taluk. Rather, this Court is of the view that when an application is filed for issuance of community certificate to the petitioner's minor children based on the community status of the petitioner / father, the first respondent is expected to consider the same as the community status of the petitioner / father is applicable to his minor children.

8. In view of these facts and circumstances, this Court is inclined to dispose of this writ petition in the following lines:

- (i) The first respondent is directed to consider the community status of the petitioner's minor children in the light of the community certificate already issued to the petitioner and his relatives, as relied upon by him, within a period of two weeks from the date of receipt of a copy of this order.
- (ii) After issuance of community certificate to the petitioner's minor children, in case the first respondent comes across



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any material or doubt as regards the bona fides of the community certificate that was issued to the petitioner, it is open to the first respondent to refer the community certificate for scrutiny thereafter and the same shall be decided in accordance with law.

(iii) No costs.

[S.S.S.R., J.]

[D.B.C., J.]

27.07.2023

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

To:

- 1.The Revenue Divisional Officer,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Athur Taluk,
Dindigul District.



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S.S.SUNDAR, J.
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