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W.P.Nos.1101 of 2024 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.Nos.1101, 1105, 1109, 1111, 1114 of 2024

Sarathkumar S/o Arunasalam	..	Petitioner in W.P.No.1101 of 2024
Perumal K	..	Petitioner in W.P.No.1105 of 2024
Viswanathan S/o Kaliyaperumal	..	Petitioner in W.P.No.1109 of 2024
Ayyappan S/o Veerammareddy	..	Petitioner in W.P.No.1111 of 2024
Viswanathan S/o Marammareddiar	..	Petitioner in W.P.No.1114 of 2024

v.

1. The District Collector
Namakkal District, Namakkal
2. The Welfare Officer
District Backward and
Minority Welfare Department
Namakkal District



W.P.Nos.1101 of 2024 etc.

3. The Tahsildar
Mohanur Taluk
Namakkal District

4. The Zonal Deputy Tahsildar
Mohanur Taluk
Namakkal District

.. Respondents in all the Writ Petitions

W.P.No.1101 of 2024 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the 3rd and 4th respondents vide application vide No.TN-5202308308236 and TN-5202308308286 dated 30.08.2023 and quash the same and consequently directing the 3rd and 4th respondents to issue the community certificate of Backward community - Ganjam Reddy to Petitioner's sons Ajithesh and Vishakan.

W.P.No.1105 of 2024 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the 3rd and 4th respondents vide application vide No.TN-5202307253834 dated 25.07.2023 and TN-5202306092857 dated 09.06.2023 and quash the same and consequently directing the 3rd and 4th respondents to issue the community certificate of Backward community - Ganjam Reddy to Petitioner's sons Siddhik and Siddharth.

W.P.No.1109 of 2024 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the 3rd and 4th respondents vide application vide No.TN-5202308307235 and TN-5202308307347 dated 30.08.2023 and quash the same and consequently directing the 3rd and 4th respondents to issue the community certificate of Backward community - Ganjam Reddy to Petitioner's daughter Swetha and son Subhanesh.

W.P.No.1111 of 2024 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for



W.P.Nos.1101 of 2024 etc.

the records of the impugned order of the 3rd and 4th respondents vide application vide No.TN-5202308315833 and TN-5202308315639 dated 31.08.2023 and quash the same and consequently directing the 3rd and 4th respondents to issue the community certificate of Backward community - Ganjam Reddy to Petitioner's sons Abheek and Sujith.

W.P.No.1114 of 2024 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the 3rd and 4th respondents vide application vide No.TN-5202308314866 and TN-5202308315079 dated 31.08.2023 and quash the same and consequently directing the 3rd and 4th respondents to issue the community certificate of Backward community - Ganjam Reddy to Petitioner's daughter Srimathi and son Kishore.

For Petitioners :: Mr.R.Balaguruswamy

For Respondents :: Mrs.V.Yamuna Devi
Special Government Pleader

COMMON ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

These writ petitions are filed challenging the orders passed by the respondents 3 and 4, rejecting the applications filed by the petitioners' online for issuance of Community Certificate of Backward Community – Ganjam Reddy to the petitioners' children by merely updating a remark that action will be taken based on the report of the district awareness committee.



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2. The case of the petitioners is that the petitioners' relatives have already obtained Community Certificate showing that they belong to Backward Community – Ganjam Reddy. The learned counsel for the petitioners relied upon a Government Order vide G.O.Ms.No.541, Social Welfare Department, dated 24.07.1981, giving instructions to the Revenue officials while considering the application for issuance of Community Certificate to the people belonging to Ganjam Reddy Community. The said Government Order reads as follows :

“3.The following may also be accepted as proof for belonging to the said community.

- i. Production of Sale deeds etc., where evidence is available that he/she belongs to the Ganjam Reddy community.*
- ii. Relatives of those who have produced evidence mentioned in item (1) above.*
- iii. In case where no documentary evidence as stated in item i & ii could be produced, a sworn affidavit by this person/parents/guardians in stamped paper with two respectable witnesses that he or she belongs to Ganjam Reddy may be obtained.”*



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3. It is admitted that the petitioners have applied online for issuance of Community Certificate to their children. When the applications for issuance of Community Certificate are made on the basis of guidelines issued by the Government, this Court finds that the impugned orders rejecting the applications without assigning any reason and which are bereft of particulars, are unsustainable and suffer from non-application of mind. Hence, these writ petitions are allowed and the impugned orders dated 25.07.2023, 09.06.2023, 30.08.2023 and 31.08.2023 respectively, are set aside and the matters are remitted back to the respondents for passing orders afresh. Consequently, W.M.P.Nos.1157, 1161, 1164, 1165, 1168 of 2024 are closed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
06.03.2024

SS

To

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