



WP.No.1327 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.1327 of 2024

R.Muniraj

Petitioner

Vs

1. The District Collector, Dharmapuri

2. The Sub Collector, Dharmapuri

3. The Tahsildar, Karimangalam, Dharmapuri

Respondents

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent relating to the proceedings in Na.Ka.No.21983/2023/Ko-3, dated 28.09.2023, confirming the proceedings of the 2nd Respondent issued in Pa.Mu.5434/2021/A4, dated 28.09.2022 and to quash the same and consequently to direct the Respondents to issue "Panniandi" SC Community Certificate to the Petitioner's wife and children.

For Petitioner : Mr.R.Divyapreathika

For Respondents : Mr.G.Nanmaran, SGP

ORDER

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

1. This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to



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call for the records of the 1st Respondent relating to the proceedings in Na.Ka.No.21983/2023/Ko-3, dated 28.09.2023, confirming the proceedings of the 2nd Respondent issued in Pa.Mu.5434/2021/A4, dated 28.09.2022 and to quash the same and consequently to direct the Respondents to issue "Panniandi" SC Community Certificate to the Petitioner's wife and children.

2. This Court heard the learned counsel on either side and also perused material records placed before this Court.
3. The Petitioner states that he belongs to "Panniandi" community, which is recognised as a Schedule Caste. The Petitioner has two daughters. Since the Educational Authorities insisted the Petitioner's daughters to produce the Community Certificates, the Petitioner approached the 3rd Respondent for issuance of SC Community Certificate. The Petitioner filed a Writ Petition earlier in WP.No.15664 of 2020 for issuance of a Writ of Mandamus to direct the 3rd Respondent to dispose of the representation of the Petitioner. Thereafter, the 3rd Respondent conducted an enquiry and passed an order dated 24.08.2021, rejecting the Petitioner's application for issuance of Community Certificate. The Petitioner filed an appeal before the 2nd Respondent, who has confirmed the order of the 3rd Respondent.
4. The Petitioner states that the impugned order is in violation of principles of natural justice. Several other grounds are also raised. The Petitioner has produced a certificate issued to some of his blood relatives. Even though the



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Petitioner cannot rely upon the certificate issued to the Petitioner's sister's husband, the same was also not considered by saying that the Petitioner has not produced any supporting document to connect the relationship.

5. In the counter filed by the 1st Respondent, the stand taken by the Respondents is in paragraph 16, which reads as follows:-

“16. I respectively submit that the Petitioner herein is non-cooperative. When certain documents or clarifications were demanded from the Petitioner herein, the same has not been produced nor clarified by the Petitioner till date. I submit that the Petitioner concealing all these true facts has filed the present Writ Petition with the cuts and pieces of tailor made statements before this Court. I submit that unless the Petitioner herein justifies and satisfies the Respondent about as to why his blood relatives were classified as Joki Community, till the Respondent herein is unable to issue Panniandi certificate in his favour and in favour of his children.”

6. This court is of the view that the impugned order appears to be a one without considering several documents and hence, the impugned order cannot be sustained. The Respondents have no other independent material to discard the documents filed by the Petitioner before the 3rd Respondent. In such circumstances, this court is of the view that the Petitioner should be given a sufficient opportunity to establish his case regarding the Community status of the Petitioner. Therefore, the impugned order is set aside and the matter is remitted to the 1st Respondent and the 1st Respondent is directed to consider the matter afresh after giving sufficient opportunity to the Petitioner



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to lead further evidence and file documents. The 1st Respondent is directed to consider the application of the Petitioner after giving sufficient opportunity to the Petitioner and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

Srcm

7. With the above directions, this Writ Petition is allowed. No costs.

(S.S.S.R.J.) & (N.S.J.)
12.06.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation: Yes/No
Srcm

To

1. The District Collector, Dharmapuri
2. The Sub Collector, Dharmapuri
3. The Tahsildar, Karimangalam, Dharmapuri

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