



W.P.No.4726 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM :

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

W.P.No.4726 of 2024

Amudha
D/o Govindaraj .. Petitioner

v.

The Revenue Divisional Officer
Sathuvachari, Vellore 632 009 .. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the online rejection order in Application Number in TN-52023030210310 (V.Sham) dated NIL quash the same and direct the respondent to issue community certificate to the petitioner's son V.Sham that he belongs to Kattunayakan (ST) Community based upon the community certificate of the petitioner, his brother G.Babu.

For Petitioner :: Mr.S.Doraisamy

For Respondent :: Mr.M.R.Gokulkrishnan
Additional Government Pleader



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ORDER

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

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This writ petition is filed challenging the impugned order rejecting the petitioner's online application for issuance of community certificate and to quash the same by directing the respondent to issue community certificate to the petitioner's son, namely, V.Sham that he belongs to Kattunayakan (ST) Community based upon the community certificates already issued to the petitioner and his brother.

2. The case of the petitioner is that she belongs to Kattunayakan community, which is notified as a Scheduled Tribe. The petitioner has come forward with a case that she obtained the community certificate from the Tahsildar, Vellore on 30.06.1987 that she belongs to Kattunayakan community. Thereafter, she also obtained permanent community certificate from the Revenue Divisional Officer, Vellore on 18.02.1993. It is the case of petitioner that community certificate was also issued to the petitioner's brother by the competent authority. It is the specific case of petitioner that her close relatives were also issued with the certificate stating that they



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belong to Kattunayakan (ST) community. However, the application submitted by the petitioner for issuance of community certificate to her son has been rejected for the following reasons:-

“The application for ST certificate was rejected based on the spot enquiry report submitted by the Anthropologist, SC/ST Vigilance, Vellore region, Departmental of Tribal Welfare, Government of Tamil Nadu “Not eligible” for ST Kattunayakan certificate.”

3. We have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

4. At the outset, this Court is convinced that the impugned order is in violation of the principles of natural justice, since the reasons stated in the order relying upon the anthropologist's report are arbitrary and the report itself was not served on the petitioner. Moreover, in similar cases, this Court had already issued directions to the competent authority to consider the application by adopting the manual mode, which requires holding of enquiry. Recently this Court in W.P.Nos.35555 of 2023 etc. dated



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07.02.2024 (R.Devisri etc., etc., v. The Revenue Divisional Officer,

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Dharmapuri), while considering a similar issue, relying upon the order dated

12.09.2023 passed in W.P.No.26186 of 2023 (Rajagopal v. State)

highlighting the procedure that was prescribed for issuance of SC/ST

certificates and the obligation on the part of the competent authority to pass

a speaking order after holding enquiry, quashed the orders impugned

therein. In the case on hand, it is admitted that the community certificates

issued to the petitioner and to her brother on 18.02.1993 that they belong to

Kattunayakan (ST) community are valid as on date. When the community

certificates have been issued to the petitioner's blood relative that they

belong to Kattunayakan (ST) community, the same is binding on the

respondent and therefore the rejection of petitioner's online application

cannot be sustained. Therefore, the impugned order is set aside and the

matter is remitted to the respondent to consider the application of the

petitioner afresh after affording adequate opportunity to the petitioner to

substantiate her case regarding the community status of her blood relative

and by considering the documents that are filed in support of her

application. The respondent shall pass a speaking order after holding



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enquiry and giving opportunity to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition stands allowed. Consequently, W.M.P.No.5165 of 2024 is closed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
01.07.2024

ss

To

1. The Revenue Divisional Officer
Sathuvachari, Vellore 632 009



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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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