



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR. JUSTICE P.B. BALAJI

W.P.No.18658 of 2024

K.Adhikesavan

..Petitioner

Vs

The Revenue Divisional Officer,

Tiruvannamalai,

Tiruvannamalai District.

..Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, seeking directions to direct the respondents to consider the application of the petitioner dated 27.05.2024 and to issue community certificate to the petitioner and his children A.Suresh, A.Kathiravan and A.Sanjai that they belong to Kattunayakan (ST) Community based upon the report submitted by the Adi Dravidar Tribal Welfare Department, Tribal Research Centre in R.C.No. 107/A2/2021, dated 28.10.2021.

For Petitioner - Mr.V.Elangovan

For Respondent - Mr.Vadivelu Deenadayalan, AGP



ORDER

Seeking directions to the respondent to issue community certificate to the petitioner and his children based on the report submitted by the Adi Dravidar Tribal Welfare Department, Tribal Research Centre in R.C.No. 107/A2/2021, dated 28.10.2021, the present writ petition has been filed.

2. Learned counsel for the petitioner has submitted that the petitioner has submitted an application dated 16.04.2019 to the Revenue Divisional Officer, Tiruvannamalai/respondent herein requesting to issue community certificate to the petitioner and his three children. Since no orders are passed, the petitioner herein had filed a writ petition in W.P.No. 30508 of 2019, and this court by order dated 25.10.2019 directed the respondent to pass orders on the application made by the petitioner, within a period of three months from the date of receipt of a copy of that order.

3. Learned counsel for the petitioner has further submitted based on the request made by one Thennindiya Pazahangudi Makkal Paathukappu Munetra Sangam to the Government and the Directions issued by the District Collector,



Tiruvannamalai to the Director, Tribal Research Center, M.Palada, Ooty, the Anthropologist conducted a spot enquiry on 23.07.2021 along with the respondent and revenue officials at the petitioner's village and concluded that the petitioner belongs to Kattunayakan (ST) Community. The said report was forwarded by the Director, Tribal Research Center, M.Pallada, Ooty to the respondent herein on 28.10.2021. Furthermore, the District Collector, Tiruvannamalai by communication dated 04.04.2022, instructed the respondent to take necessary steps issue community certificate under Kattunayakan Community to the 24 family members including the petitioner's family and the petitioner has also submitted an application 27.05.2024 to the respondent. However till date no certificate was issued by the respondent herein, hence the present writ petition.

4. On the other hand, learned Additional Government Pleader placed a proceedings dated 10.05.2021 informing that the application of the petitioner was rejected by the respondent and the same was communicated to the petitioner, therefore there was no delay on the part of the respondent and therefore the writ petition is liable to be dismissed.



5. Heard the learned counsel appearing for the petitioner and learned Additional Government Pleader appearing for the respondent and perused the documents available on record.

6. We have gone through the entire papers including the typed set of papers filed by the parties.

7. Admittedly, the petitioner relied upon the report submitted by the Director, Cultural Anthropologist, Tribal Research Center, M.Palada, Ooty in RC.No.107/A2/2021, dated 28.10.2021. In the aforesaid report, it has been stated that based on the communication of the District Collector, Tiruvannamalai, dated 11.05.2021, the Director, Cultural Anthropologist had conducted field enquiry and concluded in respect of 22 persons including the petitioner (mentioned at Sl.No.18 of the report) as eligible to get Scheduled Tribe status under 'Kattu Naickan' and rejected in respect of 4 persons namely 1. P.Chitra D/o. Pandurangan, 2. R.Anbukumar, S/o. Ranganathan will come under Kallakurichi District, 3. S.Kanniyammal, S/o. Sriramajayam and 4. L.Jayadevi, W/o. Lakshmi Narayanan will come under Arani Taluk. The said report was forwarded by the Director, Cultural Anthropologist, Ooty to the respondent on 28.10.2021, but till date no has been taken by the respondent.



8. Though the learned Additional Government Pleader justified that there was no delay on the part of the respondent, no counter affidavit has been filed.

9. In view of the foregoing discussions, it is clear that the respondent /RDO has not passed any orders based on the report submitted by the Anthropologist dated 28.10.2021, which was based on the communication of the District Collector, Tiruvannamalai dated 11.05.2021 to issue community certificate to the petitioner.

10. This Court, and the Government, have repeatedly issued directions to the revenue officials to promptly address the requests for community certificates, especially for the benefit of students pursuing higher education. Unfortunately, there have been tragic instances in our state where the students have taken their own lives due to the authorities' delay in issuing community certificates.

11. In these circumstances, we have no option but to impose substantial costs on the respondent for failing to issue the community certificate to the petitioner, despite the thorough inquiry conducted by the relevant authorities and the instructions given by the District Collector, Tiruvannamalai. Therefore, we direct the respondent to consider for issuance of the community certificate to the



petitioner based on the Anthropologist's report dated 22.07.2021, within a period of six weeks from the date of receipt of a copy of this order.

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12. The District Collector of Tiruvannamalai is directed to identify the officials responsible for the delay in issuing the community certificate to the petitioner and to recover a sum of Rs.20,000/- from them, which shall be paid to the petitioner. This process must be completed within four weeks from the date of receipt of a copy of this order.

13. With these directions, the writ petition is disposed of with the costs. Consequently, the connected Miscellaneous Petition is closed.

(D.K.K., J.) (P.B.B., J.)
05 .11.2024

Index: Yes/No

Internet : Yes/No

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To

The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

Copy to:

The District Collector,
Tiruvannamalai District.



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D.KRISHNAKUMAR, J

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P.B. BALAJI, J.

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