



WEB COPY



W.P.No.28916 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2024

CORAM:

THE HONOURABLE MR JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR JUSTICE C.KUMARAPPAN

W.P.No.28916 of 2024

V.Sugumaran

...Petitioner

Vs.

1. The District Collector,
Tirupathur District.
2. The Revenue Divisional Officer,
Vaniyampadi, Tirupathur District.
3. The Tahsildar,
Vaniyampadi, Tirupathur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent herein made in Mu.Mu.Aa4/2561/2021 dated 14.07.2021, quash the same and consequently direct the respondents herein to issue the Community Certificate to the petitioner as belonging to Hindu Kattunayakan of Schedule Tribes.

For Petitioner : Mr.Mr.S.Kaithamalai



W.P.No.28916 of 2024

For Respondents : kumaran
Mr.P.Kumaresan,
Addl.Advocate General
assisted by
Mr. Vadivelu Deenadayalan,
Addl. Government Pleader

ORDER

*(Order of the Court was delivered by **R.SUBRAMANIAN, J.**)*

We have heard Mr.S.Kaithamalai Kumaran, the learned counsel for the petitioner and Mr.P.Kumaresan, the learned Additional Advocate General VII appearing for the respondents.

2. The application of the petitioner for issuance of a Community Certificate to the effect that he belongs to the Hindu Kattunayakan, a Scheduled Tribe Community, dated 29.11.2010, was rejected, after prolonged correspondence, on the ground that the petitioner is presently residing at Bangalore in Karnataka. This ground of rejection cannot be sustained. Even as per the manual, a person has to apply for a Community Certificate in his place of origin and not at a place where he has migrated. Moreover, the Scheduled Tribe status given to the community will be confined only to the State concerned and the same community may not be a



W.P.No.28916 of 2024

Scheduled Tribe Community in another State.

WEB COPY

3. From the documents that have been placed before us, it is seen that the petitioner was born in Vaniyambadi and had his education in Vaniyambadi. Therefore, the Revenue Divisional Officer, Vaniyambadi, is the authority to issue a Community Certificate to the petitioner.

4. In the light of the above, the order impugned in the Writ Petition dated 14.07.2021 is set aside. The Revenue Divisional Officer, Vaniyambadi, is directed to give an opportunity to the petitioner to produce his original records. Upon examination of the same, strictly in terms of the manual issued by the State Government in G.O. (Ms). No. 104, Adi Dravidar and Tribal Welfare (CV-1) Department, dated 21.08.2023, the Officer shall issue a Community Certificate, if the petitioner satisfies the requirements and establishes that he belongs to the Scheduled Tribes Community.

5. This Writ Petition is disposed of with the above observations. No costs.



WEB COPY

kv



W.P.No.28916 of 2024

(R.S.M., J.) (C.K., J.)
10.12.2024

1. The District Collector,
Tirupathur District.
2. The Revenue Divisional Officer,
Vaniyampadi, Tirupathur District.
3. The Tahsildar,
Vaniyampadi, Tirupathur District.



WEB COPY



W.P.No.28916 of 2024

R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

kv

W.P.No.28916 of 2024

10.12.2024