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W.P.No.277 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM :

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

W.P.No.277 of 2023

Segar @ Rajendiran
S/o Late Nagappan

..

Petitioner

v.

1. The Deputy Collector (Revenue)
cum Sub Divisional Magistrate
Office of Deputy Collector (Revenue)
Department of Revenue and Disaster Management
Karaikal

2. The Tahsildhar
Karaikal Taluk Office
Karaikal

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of order of 1st respondent bearing proceedings in Order No.13509/DCR/SDM/B3/KK/2022/525 dated 18.11.2022 which upheld the order passed in Order No.3256/B2/TKL/KKL/2022, dated 12.08.2022 passed by



W.P.No.277 of 2023

2nd respondent and quash the same and consequently direct the 2nd respondent to issue a community certificate under the Constitution (Pondicherry) Scheduled Castes Order 1964 to the petitioner's daughters namely Selvi.Aswathi Raj and Selvi.Prageetha.

For Petitioner :: Mr.P.Suresh Babu

For Respondents :: Mr.A.Tamilvanan
Addl. Government Pleader (Pondy)

ORDER

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

This writ petition is filed for issuance of a writ of certiorarified mandamus, to call for the records relating to the order passed by the first respondent bearing proceedings No.13509/DCR/SDM/B3/KK/2022/525 dated 18.11.2022, upholding the order passed by the second respondent in order No.3256/B2/TKL/KKL/2022 dated 12.08.2022 and quash the same with a consequential direction to the second respondent to issue community certificate under the Constitution (Pondicherry) Scheduled Castes Order 1964 to the petitioner's daughters, namely, Selvi.Aswathi Raj and Selvi.Prageetha.



2. The petitioner was born to one Nagappan and Kaliammalle and belongs to Hindu-Parayan community. It is the case of petitioner that the petitioner's daughters, who were born in Karaikal in 2005 and 2008 respectively, wanted to pursue their studies and hence applied for community certificate. It is the case of petitioner that the community certificate was issued to the petitioner's father and to himself earlier. It is also admitted that the second respondent issued residence certificate to both the daughters of the petitioner. However, the second respondent refused to issue the community certificate by proceedings dated 12.08.2022 to the daughters of the petitioner. Thereafter, the petitioner filed an appeal before the first respondent and the first respondent also dismissed the appeal.

3. From the order of second respondent dated 12.08.2022, it is seen that the application for issuance of community certificate was rejected only on the ground that the petitioner, who belongs to Hindu-Parayan community, had migrated from Tamil Nadu after the crucial date for determining the caste status for scheduled castes i.e., 05.03.1964, as his parents were native of Tamil Nadu. It is further stated that the request for residence and caste



W.P.No.277 of 2023

certificate therefore cannot be considered. When the petitioner filed an appeal before the first respondent, the first respondent also, by the impugned order dated 18.11.2022, confirmed the order. From the order passed by the first respondent, the fact that the petitioner's parents and the petitioner belong to Hindu-Parayan community is not disputed. The fact that the petitioner's father was issued with the community certificate is not in issue. However, after issuance of community certificate to the petitioner on 12.06.96, the respondents have reported that the petitioner's father by name Nagappan was not a native of Neravy, Karaikal District, but migrated from Tamil Nadu. Since the petitioner has not produced any document to show his residence in Puducherry before 05.03.1964, which according to the respondents is the crucial date, the first respondent observed that for want of proof of residence on the relevant date, the petitioner is not entitled to get the community certificate for his daughters.

4. The learned Additional Government Pleader (Pondy) appearing for the respondents pointed out that the petitioner has given his name as N.Rajendiran and there is no proper proof to show that the petitioner is also



known as Segar.

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5. The petitioner has produced before this Court the marriage invitation of the petitioner, which was solemnized on 11.04.2004, where the petitioner's name is shown as N.Segar @ Rajendiran even in 2004. However, the learned Additional Government Pleader for the respondents has not produced any other material to doubt the identity or the genuineness of the documents filed by the petitioner. Therefore, we reject his contention.

6. The orders passed by the respondents appear to be ignoring the consequences that would follow when the petitioner's father and the petitioner were recognised to be the residents of Puducherry and enjoying the community status as admitted by them in the proceedings. Though the respondents dispute the residence of the petitioner and his parents, the voter identity card issued to the petitioner's father and to the petitioner and the community certificate issued to the petitioner's father and to the petitioner have not been cancelled. After recognising the community status of the petitioner's father and the petitioner long back, the impugned orders refusing



W.P.No.277 of 2023

to issue community certificate to the petitioner's daughters are arbitrary and the reasons stated by the respondents in the impugned orders are unsustainable. Even though it is stated that the respondents may take steps for cancellation of the community certificate issued to the petitioner and to his father, this Court is unable to find any record or material which would justify their stand. Even in the order passed by the first respondent, it is only stated that the petitioner failed to give proof for the residence of his father before 05.03.1964. After recognising the community status of the petitioner's father by issuing the community certificate even on 26.07.90, it is not proper for the respondents to seek proof of his residence before 05.03.1964. Therefore, this Court is unable to sustain the orders impugned in this writ petition. Hence the writ petition is allowed and the order passed by the first respondent dated 18.11.2022, confirming the order passed by the second respondent dated 12.08.2022, shall stand quashed. The respondents are directed to issue the community certificate to the petitioner's daughters to the effect that they belong to Hindu-Parayan community, which is recognised as Scheduled Caste in the Union Territory of Puducherry and issue the residence certificate to the petitioner's daughters, within a period of



W.P.No.277 of 2023

four weeks from the date of receipt of a copy of this order. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
14.06.2024

SS

To

1. The Deputy Collector (Revenue)
cum Sub Divisional Magistrate
Office of Deputy Collector (Revenue)
Department of Revenue and Disaster Management
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WEB COPY



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