



W.P.Nos.34728 of 2024 and etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.P.Nos.34728, 34737, 34741, 34745, 34749

34755, 34762, 34764 and 34769 of 2024

and

WMP Nos.37663, 37669, 37673, 37678, **37682**, 37683,

37687, **37694**, 37695, 37698, **37704** and 37707 of 2024

1] W.P.No.34728 of 2024

Brema. S.

... Petitioner

Vs.

1. Union of India,
Rep. by its Secretary to Government
(Revenue), Government of Puducherry,
Chief Secretariat, Puducherry.

2. The Tahsildar,
Bahore Tahsildar Office,
Puducherry 607 402.

... Respondents



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2] W.P.No.34737 of 2024

R.Hemalatha

... Petitioner

Vs.

1. Union of India,
Rep. by its Secretary to Government
(Revenue), Government of Puducherry,
Chief Secretariat, Puducherry.

2. The Tahsildar,
Department of Revenue and Disaster Management,
Taluk Office, Oulgaret, Puducherry.

... Respondents

3] W.P.No.34741 of 2024

R.Ramkumar

... Petitioner

Vs.

1. Union of India,
Rep. by its Secretary to Government
(Revenue), Government of Puducherry,
Chief Secretariat, Puducherry.

2. The Tahsildar,
Department of Revenue and Disaster Management,
Taluk Office, Oulgaret, Puducherry.

... Respondents

4] W.P.No.34745 of 2024

S.Selvarani

... Petitioner

Vs.

1. Union of India,
Rep. by its Secretary to Government
(Revenue), Government of Puducherry,
Chief Secretariat, Puducherry.



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2. The Tahsildar,
Ulavarkari Tahsildar Office,
Puducherry

... Respondents

5] W.P.No.34749 of 2024

1. Vithiyanarayani.A.
2. Veeraragavan, A.

... Petitioners

Vs.

1. Union of India,
Rep. by its Secretary to Government
(Revenue), Government of Puducherry,
Chief Secretariat, Puducherry.

2. The Tahsildar,
Department of Revenue and Disaster Management,
Taluk Office, Bahore, Puducherry.

... Respondents

6] W.P.No.34755 of 2024

Nageswari, S.

... Petitioner

Vs.

1. Union of India,
Rep. by its Secretary to Government
(Revenue), Government of Puducherry,
Chief Secretariat, Puducherry.

2. The Tahsildar,
Bahore Tahsildar Office,
Puducherry - 607402

... Respondents

7] W.P.No.34762 of 2024

1. N.Aishwariya
2. N.Manimozhi

... Petitioners



W.P.Nos.34728 of 2024 and etc. batch

Vs.

1. Union of India,
Rep. by its Secretary to Government
(Revenue), Government of Puducherry,
Chief Secretariat, Puducherry.

2. The Tahsildar,
Department of Revenue and Disaster Management,
Taluk Office, Bahore, Puducherry.

... Respondents

8] W.P.No.34764 of 2024
R.Devi

... Petitioner

Vs.

1. Union of India,
Rep. by its Secretary to Government
(Revenue), Government of Puducherry,
Chief Secretariat, Puducherry.

2. The Tahsildar,
Department of Revenue and Disaster Management,
Taluk Office, Oulgaret, Puducherry.

... Respondents

9] W.P.No.34769 of 2024

1. J.Pavalavana Pandian
2. J.Sankar

... Petitioners

Vs.

1. Union of India,
Rep. by its Secretary to Government
(Revenue), Government of Puducherry,
Chief Secretariat, Puducherry.

2. The Tahsildar,
Department of Revenue and Disaster Management,
Taluk Office, Mudaliarpur,
Puducherry-605 004.

... Respondents



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Prayer in W.P.No.34728 of 2024: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus directing the respondents to issue community certificate to the petitioner's sons (N.Kaniyamuthan and N.Logapriyan) based on petitioner's origin (mother's origin).

Prayer in W.P.No.34737 of 2024: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus directing the respondents to issue community certificate to the petitioner based on her mother's origin.

Prayer in W.P.No.34741 of 2024: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus directing the respondents to issue community certificate to the petitioner based on his mother's origin.

Prayer in W.P.No.34745 of 2024: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus directing the respondents to issue community certificate to the petitioner's daughter (Dhiyasakthi.S) based on petitioner's origin (mother's origin).

Prayer in W.P.No.34749 of 2024: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus directing the respondents to issue community certificate to the petitioner based on their mother's origin.

Prayer in W.P.No.34745 of 2024: Writ petition filed under Article 226



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of Constitution of India seeking for issuance of Writ of Mandamus directing the respondents to issue community certificate to the petitioner's daughter (Rithika.S) based on petitioner's origin (mother's origin).

Prayer in W.P.No.34762 of 2024: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus directing the respondents to issue community certificate to the petitioners based on their mother's origin.

Prayer in W.P.No.34764 of 2024: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus directing the respondents to issue community certificate to the petitioner based on her mother's origin.

Prayer in W.P.No.34769 of 2024: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus directing the respondents to issue community certificate to the petitioners based on their mother's origin.

In all writ petitions

For Petitioner/s : Mr.Stalin Abhimanyu

For Respondents : Mr.J.Kumaran, Addl.Govt.Pleader
(Puducherry)

COMMON ORDER

(Order of the Court was made by **D.KRISHNA KUMAR, J.**)



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W.P.No.34728/2024; 34745/2024; 34749/2024 have been filed to direct the respondents to issue community certificate to the children of petitioners, based on mother's origin.

W.P.Nos.34737/2024; 34741/2024; 34749/2024; 34762/2024; 34764/2024; 34769/2024 have been filed to direct the respondents to issue community certificate to the petitioners, based on mother's origin.

2. The facts and circumstances of the case and the issues involved in all the writ petitions are one and the same. Hence, this court passes this common order.

3. The case of the petitioners is as follows:

The petitioner in W.P.No.34728/2024; 34745/2024; 34755/2024, in the capacity of mother, filed the writ petitions stating as follows:

The petitioner belonged to Hindu Adi-Dravida Community, as per the Constitution (Pondicherry) Scheduled castes Order, 1964 and she is the permanent resident of Puducherry. The husband of the petitioner also belonged to Hindu Adi-Dravida Community, however, he do not have necessary documents to prove that he is an origin of Puducherry and



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hence, he is being treated as a Migrant Scheduled Caste in Puducherry.

Therefore, based on the community certificate issued to the petitioner, she made an application seeking to issue a community certificate to her children/child before the second respondent. Further, despite many representations have been made, the second respondent has not issued the community certificate to her children.

The petitioner/s in W.P.No.34737/2024; 34741/2024; 34749/2024; 34762/2024; 34764/2024; and 34769/2024 filed the writ petitions stating as follows:

The mother of petitioner/s belonged to Hindu Adi-Dravida Community, as per the Constitution (Pondicherry) Scheduled castes Order, 1964 and she is the permanent resident of Puducherry. The father of the petitioner/s also belonged to Hindu Adi-Dravida Community, however, he do not have necessary documents to prove that he is an origin of Puducherry and hence, he is being treated as a Migrant Scheduled Caste in Puducherry. Therefore, based on the community certificate issued to the mother of the petitioner/s, the petitioners made an application seeking to issue a community certificate before the second respondent. Further, despite many representations have been made, the



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second respondent has not issued the community certificate to the petitioners.

3.1. According to the petitioners, it was a practice by the Government of Puducherry to issue S.C. Community certificate to the persons, based on the residence status of father alone, as per O.M.No.9565/C2/Rev/2000 dated 10.11.2000. The said order was challenged by one P.Jeya by filing W.P.No.30841 of 2022 and this court vide order dated 16.08.2024 has quashed the said notification and the appeal filed by the government in W.A.No.1326/2005 was also dismissed by a Division Bench of this Court, vide order dated 30.06.2010. Subsequently, the said order dated 30.06.2010 was challenged by the Government before the Supreme Court of India in SLP/C.A.No.9082 of 2014 and the same was also dismissed on 19.04.2023, thereby, the order passed in W.P.No.30841 of 2002 is confirmed.

3.2. It is contended by the petitioners that the petitioners and the mother of the petitioner/s are the origin of Puducherry and since the Puducherry Government has issued the S.C. Community Certificate in



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their name, the petitioners are entitled to get S.C. Community certificate, based on the communal status of mother's origin. Hence, these writ petitions have been filed.

4. Learned counsel appearing for the petitioners submitted that as per the order passed by this court in W.P.No.30841 of 2022, dated 16.08.2024, which was upheld by the Hon'ble Supreme Court in C.A.No.9082/2014, dated 19.04.2023, the petitioners are entitled to get a community certificate on the basis of the community status of the mother.

4.1 In support of his contentions, learned counsel for the petitioners has relied upon the order passed by a Division Bench of this Court in similar matter in W.P.No.34929 of 2023, dated 21.12.2023 and submitted that in the said decision, dated 21.12.2023, the Division Bench of this Court has specifically observed that, " whenever an application is made for issuance of community certificate based on the mother's origin along with supporting documents, the Revenue Authorities shall satisfy himself on the veracity of the documents and if satisfied, shall issue the certificate without driving the individual to seek for separate judicial



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order". As such, in the light of the above decision, the petitioners are entitled to get the S.C. Community Certificate, based on the communal status of mother.

5. Learned Additional Government Pleader appearing for the respondents submitted that, to decide the issue as to whether the petitioners are entitled to get S.C. Community Certificate under the category of mother's origin, detailed enquiry to be conducted by the authorities concerned and then only they can decide the issue.

6. Considering the submissions made by the learned counsel appearing on either side, we dispose of the writ petitions as follows.

*The respondent concerned is directed to consider the individual application filed by the petitioners and to pass orders on its own merits and in accordance with law, by taking into account the decision of the Division Bench of this Court in W.P.No.34929 of 2023, dated 21.12.2023, **within a period of four weeks from today**, considering the urgency / purpose for getting the Community Certificate.*

There shall be no order as to costs. Connected WMP Nos.**37682, 37694**



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and 37704 of 2024 are allowed subject to the payment of separate sets of court fee. Connected WMP Nos.37663, 37669, 37673, 37678, 37683, 37687, 37695, 37698, and 37707 of 2024 are closed.

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

19.11.2024

Note: Issue order copy on 21.11.2024.

Internet: Yes/No

Index : Yes/No

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To

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2. The Tahsildar,
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Puducherry 607 402.
3. The Tahsildar,
Department of Revenue and Disaster Management,
Taluk Office, Oulgaret, Puducherry.
4. The Tahsildar,
Ulavarkari Tahsildar Office,
Puducherry.



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5. The Tahsildar,
Department of Revenue and Disaster Management,
Taluk Office, Bahore, Puducherry.

6. The Tahsildar,
Department of Revenue and Disaster Management,
Taluk Office, Mudaliarpeta, Puducherry.



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D.KRISHNAKUMAR, J.
and
P.B.BALAJI, J.

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