



WEB COPY



WP.No.1636 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM:

THE HONOURABLE Mr.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WP.No.1636 of 2024
and
WMP.No.1676 of 2024

A.Rashiya

... Petitioner

-Vs-

1. The Block Development Officer,
Puzhal Village Union,
Puzhal, Village Union.
2. The District Collector,
Tiruvallur District, Tiruvallur.
3. The P A to District Collector,
Tiruvallur District, Tiruvallur.
4. The Village Panchayat President,
Vilangadupakkam Panchayat,
Puzhal Village Union,
Puzhal, Village Union.
5. The Tamil Nadu State Election Commission,
206/N, 100 Feet Road,
Jai Nagar, Arumbakkam,
Chennai-600 106.
6. The Director,
National Commission for Scheduled Caste,
Sastri Bhavan,
Block No.5, II Floor,
No.26, Haddows Road, Chennai-600 006.
7. Mrs.Malliga Meeran

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the respondents 1 to 6 to take action on the petitioner's complaint dated 20.12.2022 and dispose of petitioner's representation dated 20.12.2022, pass an order to remove the unfit person from the post of Councillor of Ward No.2 of Puzhal Panchayat Union-Sendrampakkam Village Panchayat and Vilangadupakkam Village Panchayat with immediate effect.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.C.Kathiravan
Special Government Pleader for R1 & R4
Mr.S.John J.Raja Singh
Additional Government Pleader for R2 & R3
Mr.S.Sivashanmugam for R5
Mr.S.Janarthanam
Senior Panel Counsel for R6
Mr.C.Prabakaran for R7

ORDER

[Order of the Court was made by **R.SUBRAMANIAN, J**]

The petitioner seeks a mandamus to the respondents 1 to 6 to take action on the petitioner's complaint dated 20.12.2022 regarding the communal status of the 7th respondent, who had contested an election for the post of Village Panchayat Ward Councillor of Vilangadupakkam Village, Puzhal Panchayat Union, Tiruvallur District.



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2. The 7th respondent had contested the elections held in the year 2019 for the post of Panchayat Ward Councillor, which was reserved for Scheduled Caste [General] community. She had produced the certificate issued by the Tahsildar, Madhavaram in Certificate No.6740949 dated 29.09.2011 stating that she belongs to Hindu Adi Dravidar Community, which is classified as Scheduled Caste. The petitioner lodged a complaint with the Authorities on 02.12.2022 stating that the 7th respondent does not belong to Scheduled Caste community and therefore, she is not entitled to contest for the post, which has been reserved for Scheduled Caste community. This ignited correspondence between the officials from 27.01.2023. Finding no action, the petitioner has come up with this writ petition.

3. We had required the District Collector, Tiruvallur, who figures as the 2nd respondent to file an affidavit explaining the delay in taking action. The District Collector has filed a status report listing out the action taken by his office in ascertaining the correctness of the certificate issued by the Tahsildar, Madhavaram. It turns out that the 7th respondent belongs to Hindu Navithar community, which is classified as a Most Backward Community. Therefore, the certificate alleged to have been issued to her by the Tahsildar, Madhavaram is not a correct certificate.



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4. Mr.C.Prabakaran, learned counsel appearing for the 7th respondent would however submit that her husband belongs to Adi Dravidar community. Therefore, she was favoured with the certificate to the effect that she belongs to Adi Dravidar community. Such a position is unknown to law. A person's caste does not get changed because of marriage. May be the children of the 7th respondent, if they are shown to have been brought up as Adi Dravidars, would be entitled to get a certificate to the effect that they belong to Adi Dravidar community. Therefore, the 7th respondent retains her identity as Hindu Navithar a Most Backward Class community and hence, she ought not to have been allowed to contest in the election. The fact that she was born to Hindu Navithar parents is not in dispute. Hence, she cannot claim the benefits as Hindu Adi Dravidar, which is classified as a Scheduled Caste Community.

5. Though the prayer in the writ petition is for a Mandamus, since now it is admitted that the 7th respondent does not belong to Adi Dravidar community, which is a Scheduled Caste community, no further enquiry is necessary under Section 41 of the Tamil Nadu Panchayats Act, 1994. We therefore cancel the certificate and remove the 7th respondent from the post of Ward Councillor, to which she was elected on a misrepresentation that she belongs to Hindu Adi Dravidar community.



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6. With the above directions, this writ petition stands allowed. No costs. Consequently, connected WMP is also closed.

[R.S.M., J] [C.K., J]
27.11.2024

Index : No

Internet: Yes

Speaking Order

NCC : No

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To

1. The Block Development Officer,
Puzhal Village Union,
Puzhal, Village Union.
2. The District Collector,
Tiruvallur District, Tiruvallur.
3. The P A to District Collector,
Tiruvallur District, Tiruvallur.
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