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W.P.Nos.5622, 5626, 5640, 5654 & 5656 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.Nos.5622, 5626, 5640, 5654 & 5656 of 2024

M.Kumaravel	... Petitioner in W.P.No.5622 of 2024
Ayyappan	... Petitioner in W.P.No.5626 of 2024
Gopalakrishnan	... Petitioner in W.P.No.5640 of 2024
Chidambaram	... Petitioner in W.P.No.5654 of 2024
Balu	... Petitioner in W.P.No.5656 of 2024

Vs.

1.The District Collector,
Namakkal District,
Namakkal.



W.P.Nos.5622, 5626, 5640, 5654 & 5656 of 2024

WEB COPY

2.The Welfare Officer,
District Backward and Minority Welfare Department,
Namakkal District.

3.The Tahsildar,
Mohanur Taluk,
Namakkal District.

4.The Zonal Deputy Tahsildar,
Mohanur Taluk,
Namakkal District.

... Respondents
in all writ petitions

Prayer in W.P.No.5622 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 3rd and 4th respondents vide application vide No.TN-520230831274 dated 31.08.2023 and quash the same and consequently, direct the 3rd and 4th respondents to issue the Community Certificate of Backward Community – Ganjam Reddy to petitioner's son RK Kanishkar Athithiya.

Prayer in W.P.No.5626 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 3rd and 4th Respondents vide application vide no.TN- 5202308308432 and TN- 5202308308399 dated 30.08.2023 and quash the same and consequently directing the 3rd and 4th respondents to issue the Community certificate of Backward



W.P.Nos.5622, 5626, 5640, 5654 & 5656 of 2024

Community- Ganjam Reddy to Petitioner's daughter Yaasvathi and Son Harikumaran.

Prayer in W.P.No.5640 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 3rd and 4th Respondents vide application vide no.TN- 520230831661 and TN- 5202308311272 dated 31.08.2023 and quash the same and consequently directing the 3rd and 4th respondents to issue the Community certificate of Backward Community- Ganjam Reddy to Petitioner's Sons Vishnukumar and Sabari.

Prayer in W.P.No.5654 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 3rd and 4th Respondents vide application vide no.TN- 5202308306979 and TN- 5202308307110 dated 30.08.2023 and quash the same and consequently directing the 3rd and 4th respondents to issue the Community certificate of Backward Community- Ganjam Reddy to Petitioner's daughter Kanimozhi and Dinesh.

Prayer in W.P.No.5656 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 3rd and 4th Respondents vide application vide no.TN- 5202307247382 dated 24.07.2023 and quash the same and consequently directing the 3rd and 4th respondents to issue the



W.P.Nos.5622, 5626, 5640, 5654 & 5656 of 2024

Community certificate of Backward Community- Ganjam Reddy to
Petitioner's daughter Jeisigashree B.

For Petitioner : Mr.R.Balaguruswamy
in all writ petitions

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader
in all writ petitions

COMMON ORDER

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

These writ petitions are filed challenging the orders passed by the respondents 3 and 4, rejecting the applications filed by the petitioners' online for issuance of Community Certificate of Backward Community – Ganjam Reddy to the petitioners' children by merely updating a remark that action will be taken based on the report of the district awareness committee.

2.The case of the petitioners is that the petitioners' relatives have already obtained Community Certificate showing that they belong to Backward Community – Ganjam Reddy. The learned counsel for the petitioners relied upon a Government Order vide G.O.Ms.No.541, Social



W.P.Nos.5622, 5626, 5640, 5654 & 5656 of 2024

Welfare Department, dated 24.07.1981, giving instructions to the Revenue officials while considering the application for issuance of Community Certificate to the people belonging to Ganjam Reddy Community. The said Government Order reads as follows :

“3.The following may also be accepted as proof for belonging to the said community.

- i. Production of Sale deeds etc., where evidence is available that he/she belongs to the Ganjam Reddy community.*
- ii. Relatives of those who have produced evidence mentioned in item (1) above.*
- iii. In case where no documentary evidence as stated in item i & ii could be produced, a sworn affidavit by this person/parents/guardians in stamped paper with two respectable witnesses that he or she belongs to Ganjam Reddy may be obtained.”*

3.It is admitted that the petitioners have applied online for issuance of Community Certificate to their children. When the applications for issuance of Community Certificate are made on the basis of guidelines issued by the Government, this Court finds that the impugned orders rejecting the



W.P.Nos.5622, 5626, 5640, 5654 & 5656 of 2024

applications without assigning any reason and bereft of particulars, are unsustainable and suffer from non-application of mind. Hence, these writ petitions are allowed and the impugned orders dated 24.07.2023, 30.08.2023 and 31.08.2023 respectively, are set aside and the matters are remitted back to the respondents for passing orders afresh after holding enquiry and following the Government Orders. No costs.

(S.S.S.R., J.) (N.S., J.)
06.03.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

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W.P.Nos.5622, 5626, 5640, 5654 & 5656 of 2024

WEB COPY

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WEB COPY



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