



W.P.(MD) No.4419 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.4419 of 2024

P.Saktheeswari

... Petitioner

-Vs-

1.The District Collector,
Kanyakumari District.

2.The District Collector,
Virudhunagar District.

3.The Revenue Divisional Officer,
Nagercoil Division, Kanniyakumari District.

3.The Revenue Divisional Officer,
Aruppukkottai Division, Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in its proceedings Na.Ka.A5/10869/2021, dated 17.11.2023 and quash the order passed therein and consequently, to direct the 4th respondent herein to issue community certificate to the petitioner daughters, namely, S.Deebika and S.S.Abisha as they belong to Hindu-Kattunayakkan Scheduled Tribe (ST)



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Community as per the direction issued by the 1st respondent in Na.Ka.J4/31944, dated 18.11.2021 within a period that may be stipulated by this Court.

For Petitioner : Mr.V.Palanichamy

For Respondents : Mr.S.P.Maharajan,

Special Government Pleader

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

According to the petitioner, she submitted applications on 06.03.2017 and 26.06.2018 before the 3rd respondent, seeking for Hindu Kattunayakkan (ST) community certificate to her daughters, namely, S.Deebika and S.S.Abisha. However, the 3rd respondent rejected the applications made by the petitioner vide proceedings dated 26.06.2019, directing the petitioner to approach the 4th respondent or the 1st respondent by filing an appeal. Therefore, the husband of the petitioner filed an appeal on 28.09.2021 before the 1st respondent, who in turn on 21.10.2021 conducted an enquiry and vide order dated 18.11.2021 directed the respondents 2 and 4 to issue Hindu Kattunayakkan (ST) community certificate to the petitioner's daughters.

2. Thereafter, the petitioner's husband sent a representation dated 16.12.2021 along with the copy of the proceedings of the 1st respondent dated



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18.11.2021 to the 4th respondent. However, the 4th respondent has not taken any action. In such circumstances, the petitioner's husband died on 05.04.2022.

Thereafter, the petitioner sent several representations, lastly on 12.09.2022. Since the same was not considered, the petitioner filed W.P.(MD)No.28495 of 2022, wherein this Court, vide order dated 18.07.2023, directed the 4th respondent to issue community certificate to the petitioner's daughters on merits within a period of twelve weeks. Thereafter, the petitioner sent representation along with the said order copy to the 4th respondent. However, the 4th respondent rejected the representation of the petitioner, vide proceedings dated 17.11.2023, which is impugned in this Writ Petition.

3.The learned counsel appearing for the petitioner submits that the petitioner has made several documents before the 4th respondent for issuing community certificate, however, in the impugned order, the 4th respondent neither discussed anything nor passed any speaking order. Further, it is the specific case of the petitioner that the brother of the petitioner's husband was issued with community certificate, which has been scrutinized by the State Level Scrutiny Committee and genuinity certificate was also issued to him. However, the said aspect has not been considered by the 4th respondent. Therefore, on this ground, the impugned order is liable to be quashed.



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4.The learned Special Government Pleader appearing for the respondents made a submission that the 4th respondent, based on the report submitted by the Director of Tribal Research Centre, Ooty, Nilgiri District, issued the proceedings dated 28.02.2024 stating that the petitioner's daughter is not entitled to get Hindu Kattunayakkan (ST) community certificate and the certificates issued to the relatives of the petitioner's husband are to be cancelled.

5.We have gone through the said proceedings dated 28.02.2024 issued by the 4th respondent and it is also an admitted fact that based on the report of the Director of Tribal Research Centre, Ooty, Nilgiri District, the said proceedings has been issued and a copy of the said report is also not furnished to the petitioner. Therefore, the 4th respondent passed an order without providing sufficient opportunity to the petitioner and hence, the same is liable to be quashed on the ground of violation of principles of natural justice, accordingly, it is quashed.

6.In fine, this Writ Petition is allowed and the matter is remanded back to the 4th respondent for fresh consideration. The 4th respondent is directed to consider the matter afresh and pass appropriate orders after providing opportunity and furnishing the copy of the report of the Director of Tribal Research Centre,



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Ooty, Nilgiri District to the petitioner, as early as possible, preferably within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

[D.K.K., J.] & [R.V., J.]
01.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

- 1.The District Collector,
Kanyakumari District.
- 2.The District Collector,
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- 3.The Revenue Divisional Officer,
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