



W.P.(MD)No.10463 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.10463 of 2024

Kalaiselvan

: Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Collector,
Trichy District,
Trichy.

3.The Revenue Divisional Officer,
Madurai District,
Madurai.

4.The Revenue Divisional Officer,
Trichy District,
Trichy.



W.P.(MD)No.10463 of 2024

WEB COPY

5.The Tahsildar,
Madurai North Taluk,
Madurai.

6.The Tahsildar,
Thiruverumbur Taluk,
Trichy District.

7.The Revenue Inspector,
Navalpattu Firka,
Thiruverumbur Taluk,
Trichy District.

8.The Village Administrative Officer,
Kumbakudi Velayuthankudi Village,
Thiruverumbur Taluk,
Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the fourth respondent to consider the applications in application Nos. TN-5202404128761 and TN-5202404128733 dated 12.04.2024 made by the petitioner on behalf of his children's namely Pranav Jose and Joseena in accordance with the Manual on Scheduled Caste / Scheduled Tribue Community Certificates – Issuance and



W.P.(MD)No.10463 of 2024

Verification issued by Adi Dravidar and Tribal Welfare (CV-1) Department vide G.O.(Ms).No.104 dated 21.08.2023 and direct the respondent No.4 to issue community certificates to the petitioner's children within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Prabhakaran
for Ms.M.Viji

For Respondents : Mr.S.Sajibino
Special Government Pleader

ORDER

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

Prayer sought for herein is for a Writ of Mandamus, directing the fourth respondent to consider the applications in application Nos. TN-5202404128761 and TN-5202404128733 dated 12.04.2024, made by the petitioner on behalf of his children namely Pranav Jose and Joseena in accordance with the Manual on Scheduled Caste / Scheduled Tribes Community Certificates – Issuance and Verification issued by Adi Dravidar and Tribal Welfare (CV-1) Department vide G.O.(Ms).No.104 dated 21.08.2023 and to direct the fourth respondent to issue community certificates to the petitioner's children.



W.P.(MD)No.10463 of 2024

WEB COPY

2. Heard the learned Counsel on either side.

3. The petitioner claim to be a Scheduled Tribe Community, for which, he has obtained the community certificate dated 06.06.1989 from the Tahsildar, Madurai, where it has been mentioned that he belongs to “Hindu Kattu Naickan” community which is recognized as scheduled Tribe as per G.O.Ms.No.120 SWD dated 14.04.1982.

4. Based on the strength of the said certificate, the petitioner earlier applied to the respondent to get such community certificate to his wards which were rejected on the ground that the petitioner had been at Pune and not in Tamil Nadu for the past 3 years and on that ground, it was rejected. Once again, he has made an application on 12.04.2024 and the same since has not been considered, he has approached this Court with the aforesaid prayer.

5. The recent application has been given only on 12.04.2024. Therefore, it cannot be stated that it was not considered, as it requires some breathing time for the respondents



W.P.(MD)No.10463 of 2024

to consider the same, before which, in fact at premature stage, the petitioner has approached this Court.

6.It is the claim of the petitioner that he has been issued with the said community certificate in the year 1989. Unless and until that certificate is cancelled, it shall be presumed that his certificate is genuine and on the basis of the same, his application for issuance of community certificate for his wards can be considered.

7.Heard the learned Special Government Pleader appearing for the respondents, who would submit that, whether the community certificate issued to the petitioner by the Tahsildar itself is genuine or not has to be ascertained and based on which, the claim made by him in application dated 12.04.2024 would be considered and decision would be taken within a reasonable time frame that may be fixed by this Court.

8.Considering the submission made by both sides and having regard to the facts and circumstances of the case, this Court is inclined to dispose of the present writ petition with the following direction:



WEB COPY



W.P.(MD)No.10463 of 2024

“There shall be a direction to the fourth respondent to consider the said application of the petitioner dated 12.04.2024 and decide the same in consultation with the third respondent, of course, after verifying the genuinity and veracity of the community certificate of the petitioner dated 06.06.1989, issued by the Tahsildar, Madurai and accordingly take a decision on merits and in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of this order.”

9.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

[R.S.K.,J.] & [G.A.M.,J.]

30.04.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



W.P.(MD)No.10463 of 2024

WEB COPY

To

1.The District Collector,
Madurai District,
Madurai.

2.The District Collector,
Trichy District,
Trichy.

3.The Revenue Divisional Officer,
Madurai District,
Madurai.

4.The Revenue Divisional Officer,
Trichy District,
Trichy.

5.The Tahsildar,
Madurai North Taluk,
Madurai.

6.The Tahsildar,
Thiruverumbur Taluk,
Trichy District.



W.P.(MD)No.10463 of 2024

WEB COPY

7.The Revenue Inspector,
Navalpattu Firka,
Thiruverumbur Taluk,
Trichy District.

8.The Village Administrative Officer,
Kumbakudi Velayuthankudi Village,
Thiruverumbur Taluk,
Trichy District.



WEB COPY



W.P.(MD)No.10463 of 2024

R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

MR

ORDER MADE IN
W.P.(MD)No.10463 of 2024

30.04.2024