



WP No. 13294 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 13294 of 2025

1. E.Murugan

S/o.Ellappan, No.V-1, V Block,
Govt.Staff Quarters, Lawspet,
Puducherry

Petitioner(s)

Vs

1. The District Collector
Government Of Puducherry,
Puducherry

2.The Sub Collector(Revenue) South
O/o.Office Of The Sub Collector,
South, Villianur, Puducherry

3.The Tashildar-cum-Executive
Magistrate
Taluk Office, Villianur, Puducherry

4.The Tahsildar-cum-Executive
Magistrate
Taluk Office, Oulgaret, Puducherry



Respondent(s)

WEB PRAYER

To call for the records of the 2nd respondent order No.3/899/SCRS/B7/Cert-Appeal /2025-656 dated 12.03.2025, confirming the order of the 3rd respondent in No.884/TOV/TAH/Cert/2024, dated 04.03.2025 and quash the same and consequently, direct the respondents to issue residence certificate to the petitioner.

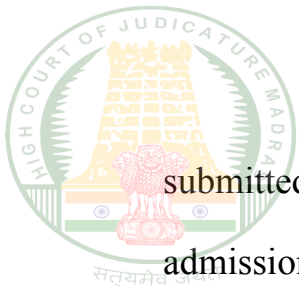
For Petitioner(s): Mr. D. Senthil Kumar

For Respondent(s): Mr.R.Sreedhar
Additional Government Pleader for R1-4

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 12.03.2025, which was confirmed by the 3rd respondent through proceedings dated 04.03.2025, and seeking a consequential direction to the respondent to issue a residence certificate.

2. The case of the petitioner is that he was originally residing along with his parents Sedarapet, Puducherry. In the year 2000, there was an accidental fire, and as a result, the house was damaged. The petitioner thereafter started living at Government staff quarters, Lawspet, Puducherry. On 02.12.2007, M.Pavithra was born, and she did her entire schooling at Puducherry. The petitioner's daughter wanted to study MBBS and she was preparing for NEET UG, 2025. The 4th respondent was insisting that a residence certificate must be



submitted for the purpose of submitting the application and for getting admission in the UG Medical course. Accordingly, an application was submitted by the petitioner, which came to be rejected by the 3rd respondent through proceedings dated 04.03.2025, which was confirmed by the 2nd respondent through proceedings dated 12.03.2025.

3. The 2nd respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder,

“ 6. I humbly submit that the petitioner and the Tahsildar, Taluk Office, Villianur were directed to appear on 06.03.2025 for a personal hearing along with all necessary documents/records in support of their claim. The Tahsildar, Taluk Office, Villianur has reported that the petitioner claimed that his original native place is Poraiyur, Puducherry, he neither produced any document to substantiate his claim nor identified location of residence so as to enquire with local residents to ascertain the native place.

7. I humbly submit that the Tahsildar, Taluk Office, Villianur reported that the petitioner's native place is Poothurai Village, Tamil Nadu, which is adjacent to Puducherry. Further, the petitioner's elder sister along with her husband settled in Sedarapet Revenue Village by occupying a G.P land in Muthamizh Nagar, Sedarapet.

After the demise of her husband, the petitioner's elder sister shifted to her native village of Poothurai Village, Tamil Nadu and later on, was found dead in a well at Poothurai. The GP land occupied by her at



WEB COPY



Sedarapet Village was regularised to her parents vide LGR.No.418/2007 only in the year 2007 and now it is a vacant land. This site is utilized only for the purpose of maintaining documents in Puducherry neither the petitioner nor his parents have ever been a resident in Sedarapet prior to the cut-off date of 19.02.2001.

8. I humbly submit that the Tahsildar, Taluk Office, Villianur has reported that the petitioner's parents are permanent residents of Poothurai Village Tamil Nadu and his mother is still residing in Poothurai Village, Tamil Nadu. Further, the petitioner has maintained his Voter ID (EPIC) bearing No.DSK1362110 till the year 2017 in Poothurai Village. The petitioner married in the year 2006 and even after marriage the petitioner and his family were residing in Poothurai village Tamil Nadu and not in Sedarapet Revenue Village as claimed by the petitioner.

9. I humbly submit that the petitioner is eligible for issue of residence certificate as the petitioner is residing in the U.T. of Puducherry for the past five years in Lawspet, Oulgaret Taluk, Puducherry. The Sub Collector (Revenue) South has instructed the petitioner to receive the residence certificate from the Taluk Office, Oulgaret since he is residing in Lawspet. The petitioner is not eligible for issue of community certificate in the U.T. of Puducherry as they were not permanent residents prior to 19.02.2001. The Community Certificate to the petitioner can be issued only based on the community certificate issued in his state of origin Poothurai, Tamil Nadu.



WEB COPY

WP No. 13294 of 2025



10. I humbly submit that on hearing the statements of the petitioner and the report of the Tahsildar, Taluk Office, Villianur, it is evident that the petitioner and his family were not residing at Sedarapet Village, Puducherry before the cut-off date of 19.02.2001. Hence, the petitioner Thiru Murugan S/o Ellappan could not establish his residential status in the Union Territory of Puducherry before 19.02.2001.”

4. Heard Mr. D. Senthil Kumar, learned counsel for the petitioner and Mr.R.Sreedhar, learned Additional Government Pleader for respondents 1 to 4.

5. The residence certificate sought for by the petitioner has been rejected mainly on the ground that the petitioner and his family were not residing at Sedarapet, Puducherry before the cut-off date i.e., 19.02.2001. That apart, they were residing at Poothurai Village in Tamil Nadu, and the same was ascertained by virtue of the report submitted by the Tahsildar. Hence, the residence certificate sought for by the petitioner was rejected.

6. In the considered view of this Court, the daughter of the petitioner has done her entire schooling only in Puducherry. That apart, it is also evident that the petitioner was working in the Electricity Board at Puducherry and he was also allotted staff quarters.



7. This Court is taking into consideration, the earlier order passed in W.P.No.21124 of 2023, dated 24.07.2023. The relevant portions are extracted hereunder,

“2. Heard both sides. What does this circular in essence signify? Does law require that every resident of Puducherry should go to Government Office to sign their presence on daily basis? And when this Court perused the entire circular dated 06.10.2003, it finds that the second respondent has selectively picked up couple of clauses to reject the petitioner's claim, and has not considered the eligibility of petitioner in offering clauses. What it ignored is the Information Brochure released by CENTAC Puducherry for the year 2023-2024. The counsel for the petitioner contends that the petitioner's case will fall squarely within Clause 10(i) of the said brochure.

3.Rival submissions are carefully weighed. To start with, what is now in dispute is whether the petitioner is a resident of Puducherry, and more specifically, whether she can be considered as a resident within the meaning of the Information Brochure of CENTAC for the year 2023-2024. Therefore, the authorities need not travel beyond this Brochure for ascertaining whether a person should be treated as a resident of Puducherry and entitled for a Residential Certificate. 4.Clause 10 of the Information Brochure released by the CENTAC, Puducherry for the year 2023-2024 reads as below:

"10.RESIDENCE CRITERIA Reservation of PG seats shall be as per the norms of the Government of Puducherry. (G.O. Ms.No.64 Dated 25/05/2006, Chief



WEB COPY

WP No. 13294 of 2025



Secretariat (Edn.I)). An applicant is considered to be a Puducherry resident if he/she is an Indian National and satisfied at least one of the following criteria: i) The candidate or whose parent (either Mother or Father or Both) or Guardian (in case of children who have lost both the parents) has been residing continuously in this Union Territory for at least five years preceding the date of application. (Refer Annexure I-1)

*ii) Those who have passed the SSLC / HSC or any other public examination and for that purpose had undergone academic studies continuously **for 5 successive classes immediately preceding the qualifying examination** (including the year of qualifying examination) in a recognized education institution located in Pondicherry UT and having their residence in Pondicherry UT for 5 years continuously during that period. **Mere stay in places such as residential hostel would not amount to residence.** (Attach certificated as per Annexure I-2a & 2b)*

iii)

iv)

v)

vi)"

The above referred to two provisions alone were canvassed before this Court. While the petitioner relied on Clause 10(i) of the said Brochure, the respondent relied on Clause 10(ii) of the Brochure.



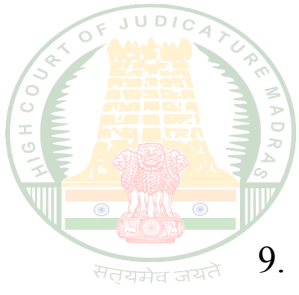
WEB COPY



Now, it is not about either Clause 10(i) or Clause 10(ii) of the Brochure, but what is even more significant is the stipulation that an applicant for PG Medical Course should only need to satisfy one of the conditions and not all the conditions in Clause 10(i) to Clause 10(vi) of the said Brochure.

5.If Clause 10(i) is closely read, it says that the candidate or whose parent or the Guardian has been residing continuously in the Union Territory of Puducherry for at least five years preceding the date of application. It does not mandate the candidate alone should reside in Puducherry since the proposition used here is 'or' and not 'and'. So far as Clause 10(ii) is concerned, it has two parts. The first part is that the candidate should have completed the qualifying examinations in Puducherry, and the second part is that the candidate must have his/her residence in Puducherry for five years continuously. The second part is clarified with the further statement that a mere stay in places such as a residential hostel would not amount to residence. What in effect it says is that one should stay permanently in Puducherry, and the temporary stay in Puducherry cannot be accounted for residentship.”

8. The above judgment will squarely apply to the facts of this case. The petitioner's daughter did her entire schooling at Puducherry, and just because they did not reside continuously at Sedarapet, Puducherry, for at least 5 years prior to the date of application, will not deprive her of the issuance of residence certificate.



9. In view of the above, this Court is inclined to quash the impugned proceedings of the 1st and 2nd respondents. It is made clear that the residence certificate is issued to petitioner's daughter only for educational purposes to submit her application. There shall be a direction to the 3rd respondent to issue a residence certificate within a period of one week from the date of receipt of a copy of this order.

10. In the result, the writ petition is allowed on the above terms. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

26-06-2025

gd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WP No. 13294 of 2025



WEB COPY

1.The District Collector

Government Of Puducherry,
Puducherry

2.The Sub Collector(revenue)south

O/o.Office Of The Sub Collector,
South Villianur, Puducherry

3.The Tashildar-cum-executive

Magistrate

Taluk Office, Villianur, Puducherry

4.The Tahsildar-cum-executive

Magistrate

Taluk Office, Oulgaret, Puducherry



WEB COPY

WP No. 13294 of 2025



N.ANAND VENKATESH J.

gd

WP No. 13294 of 2025

26-06-2025