



W.P.No.23020 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.06.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.23020 of 2025 and
W.M.P.No.25849 of 2025

V.Mahalakshmi

... Petitioner

-VS-

1. The Collector,
Tiruvannamalai,
Tiruvannamalai District.

2. The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the relating to the rejection order of passed in proceedings in Na.Ka.No. Pa.Me/A1/334/2021 dated 20.08.2024 on the file of the 1st respondent, confirming the order passed by the 2nd respondent in Application Number TN-5202108143551 dated NIL on the file of the 2nd respondent, quash the same and direct the 2nd respondent to issue community certificate to the petitioner that she belongs to Kattunayakan (ST) community based upon the community certificate of the petitioner's father S.Sabapathy and petitioner's own sister S.Hemalatha.



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For Petitioner : Mr.V.Elangovan
For Respondents : Mr.R.Kumaravel
Addl. Govt. Pleader

ORDER

*(Order of the Court was made by **J.NISHA BANU,J.**)*

This writ petition has been filed, challenging the impugned proceedings dated 20.08.2024 in Na.Ka.No. Pa.Me/A1/334/2021 on the file of the 1st respondent, confirming the order passed by the 2nd respondent in Application Number TN-5202108143551 dated NIL on the file of the 2nd respondent, by which the petitioner's request for issuance of community certificate was rejected. The petitioner also sought for a direction to the 2nd respondent to issue community certificate to her that she belongs to Kattunayakan (ST) community based upon the community certificate of the petitioner's father S.Sabapathy and petitioner's own sister S.Hemalatha.

2. Mr.R.Kumaravel, learned Additional Government Pleader takes notice for the respondents. By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.



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3. The case of the petitioner is that she belongs to Kattunayakan community, which is classified as Scheduled Tribe (ST) and her father was issued with a certificate to that effect on 16.09.1989 after conducting proper enquiry and verification. Thereafter, the petitioner's family migrated to Bangalore on account of employment and the petitioner obtained a community certificate from Tahsildar, Bangalore that she belongs to Kattunayakkan (ST) community. It is further case of the petitioner that she married her close relative and settled down in Tiruvannamalai. Her sister had obtained ST community certificate from Revenue Divisional Officer, Ranipet on 11.07.2024. When the petitioner applied for a community certificate, the same was rejected by the 2nd respondent and the appeal filed by the petitioner before the 1st respondent was also rejected on the ground that she had to apply for such certificate in the native district. Aggrieved by the said rejection order, the petitioner is before this Court, seeking to quash the same.

4. Learned counsel appearing for the petitioner submitted that when the father and sister of the petitioner were issued with ST community



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certificates, the order of rejection passed by the respondents is arbitrary,

illegal and against the dictum laid down the Supreme Court and this Court.

Learned counsel for the petitioner, relying on a judgment of this Court, in

which one of us (JNB) was a member in the case of **S.Deepan and another**

vs. The Revenue Divisional Officer, Tiruvannamalai District

[W.P.Nos.33792 and 33794 of 2023] dated 22.12.2023, submitted that the

reason stated by the respondents that once the place of permanent abode is

shifted, then the person has to file application in the native District alone,

cannot be accepted.

5. Mr.R.Kumaravel, learned Additional Government Pleader contended that the petitioner, having obtained a certificate from some other State earlier, namely, Bangalore, is claiming another community certificate from the respondents, which is impermissible. Therefore, the rejection order is perfectly valid and does not require any interference by this Court.

6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.



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7. The short point for consideration involved in this case is

whether it is permissible for the petitioner to claim community certificate from the respondents, especially when she had already obtained such certificate from Bangalore. In an identical issue, this Court in **S.Deepan and another vs. The Revenue Divisional Officer, Tiruvannamalai District** (*supra*), by referring to a judgment of the Apex Court [reported in **1994 (5) SCC 244**] held as under:

“7. It would be clear from the judgment of the Hon-ble Supreme Court in Action Committee Case (1994 (5) SCC 244) where the Government of India letter dated 22.03.1977 and other communication of Government of India were considered to hold that a person would be entitled to benefit of reservation in the state of his origin and not in the migrated state even if his caste was notified in the migrated State. It is further pertinent to note here that in the said letter, emphasis on the Revenue Authorities of the locality to which the individual belonged was made with a purpose, the purpose being that the Revenue Authority of the locality to which the person belonged would have access to the revenue records. The respondent failed to note that the interstate area restriction cannot be applied to intrastate areas, because, a legally issued caste certificate is valid throughout the state. Therefore, in the guise of administrative convenience, respondent cannot inconvenience the public, moreso, in the matter of constitutional privileges.

8. Similar orders were challenged before this Court, in a number of writ petitions and this Court held in the order dated 10.07.2017 in W.P.No.17355 to 17357 of 2017 passed by the



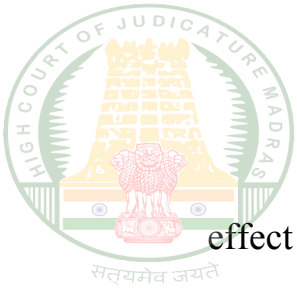
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Division Bench of this Court in Minor C.Muhil and two others
V. The District Collector, Villupuram District and another, in
Paragraph no.10, wherein it was observed as under:

¶10. A perusal of paragraph no.3 of G.O.Ms.No.61, Adi Dravidar and Tribal Welfare (ADW-10) Department dated 04.04.2005 would indicate that the place of permanent abode have been clarified and it is the categorical stand of the grandfather of the writ petitioners in the writ petitions (deponent of the affidavits in the writ petitions) that his permanent residence is at Palayapalapattu Village, Sankarapuram Taluk, Villupuram District and the 2nd Respondent has expressed the view that once the place of permanent abode is shifted, the concerned persons are not entitled for Community Certificates. However, this Court is of the view that the said reason is unsustainable for the reason that freedom of movement is enshrined and guaranteed in the Constitution of India and one cannot except a person to reside in his permanent abode for the purpose of eking out his livelihood and if that view is taken, it also belies logic and common sense and it would also introduce a new clarification / criteria, which is not contemplated under the Government Order. It is an undisputed fact that the deponent of affidavits ? grandfather of the minor petitioners has been issued with a Community Certificate and vide proceedings of the Tamilnadu State Level Scrutiny Committee in No.29080/CV-II/2008 dated 01.03.2010, the same was found to be genuine.??”

8. It is seen that the judgment of this Court (referred to supra) placed by the learned counsel for the petitioner squarely applies to the case on hand. When the petitioner's father and sister got the certificate to the



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effect that they belong to Kattunaykkan (ST) community and the said judgment has been followed by one of us (JNBJ), it is not known as to what prevented the respondents in issuance of such certificate to the petitioner and there is no hurdle for the respondents in issuing ST community certificate to the petitioner.

9. Finding that the impugned proceedings dated 20.08.2024 in Na.Ka.No. Pa.Me/A1/334/2021 on the file of the 1st respondent, confirming the order passed by the 2nd respondent in Application Number TN-5202108143551 dated NIL on the file of the 2nd respondent, have no legs to stand, the same are liable to be set aside.

10. Accordingly, this Writ Petition is allowed. The impugned proceedings dated 20.08.2024 in Na.Ka.No. Pa.Me/A1/334/2021 on the file of the 1st respondent, confirming the order passed by the 2nd respondent in Application Number TN-5202108143551 dated NIL on the file of the 2nd respondent are hereby set aside. We direct the 2nd respondent to issue community certificate to the petitioner that she belongs to Kattunayakan



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AND

M.JOTHIRAMAN, J.

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(ST) community, based upon the community certificate of her father and sister. No costs. Consequently, connected miscellaneous petition is ordered.

(J.N.B.J.,) (M.J.R,J.,)
25.06.2025

Index: Yes / No

Internet: Yes / No

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To:

1. The Collector,
Tiruvannamalai,
Tiruvannamalai District.
2. The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

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