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W.P.No.21984 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.21984 of 2024

and

W.M.P.Nos.23961 of 2024 & 41630 of 2025

Thamizharasan M.

... Petitioner

Vs.

- 1.The Union of India,
Represented by the Secretary to Government,
Department of Revenue and Disaster Management,
Government of Puducherry,
Puducherry.
- 2.The Sub-Collector (Revenue) South,
Office of the Sub-Collector (Revenue) South,
Puducherry.
- 3.The Tahsildar,
Taluk Office,
Villianur,
Puducherry.
- 4.Controller of Examinations,
Department of Personnel and Administrative Reforms,
(Personnel Wing)
Government of Puducherry,
Puducherry.
- 5.The Officer on Special Duty,
Police Department,
Government of Puducherry,
Puducherry.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the respondents relating to the order dated 09.07.2024 bearing Ref.No.3559/TOV/A3/Certificates/2024 passed by the 3rd respondent and the order dated 22.07.2024 bearing Ref.No.3628/SCRS/B7/Cert-Appeal/2024/1454 passed by the 2nd respondent and quash the same and consequently, to direct the 2nd and 3rd respondents to issue residence certificate to the petitioner.

For Petitioner : Mr.T.Sai Krishnan
For R1 to R5 : Mr.R.Sreedhar
Additional Government Pleader
(Pondy)

ORDER

Challenging the order of the Tahsildar/3rd respondent, dated 09.07.2024, rejecting the request of the petitioner for issuance of residence certificate and the order of the Appellate Authority/2nd respondent, dated 22.07.2024, confirming the order of the 3rd respondent, the present writ petition has been filed.

2.The case of the petitioner is that he is a native of Union Territory of Puducherry by birth. His father and grandfather are also natives of



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Puducherry. The 5th respondent issued a recruitment notification, dated 27.10.2023, inviting applications for filling up 420 posts of Home Guard (Male) from the residents of Union Territory of Puducherry. The essential qualification is 10th Std. and the applicant should be a domicile of Union Territory of Puducherry. According to the petitioner, he is qualified for the post of Home Guard and therefore, he applied for the said post and he had also undergone three stages of selection and he was provisionally selected to the post of Home Guard (Male) vide notification issued by the 4th respondent dated 01.07.2024. In such circumstances, when the petitioner approached the 3rd respondent seeking issuance of residence certificate, the 3rd respondent strangely passed the impugned order, dated 09.07.2024, refusing to issue residence certificate on the ground that the father of the petitioner is having an EPIC Card, Ration Card, claiming residential status both in Puducherry and Tamil Nadu. Aggrieved over the same, an appeal was also filed by the petitioner before the Sub-Collector/2nd respondent, however, the 2nd respondent, by impugned order dated 22.07.2024, confirmed the order of the 3rd respondent. Challenging both the orders, the present writ petition has been filed.



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3. The impugned orders are sought to be quashed on the ground that the petitioner was born on 24.04.1998 at Union Territory of Puducherry and his birth was duly registered with the Registrar of Births and Deaths, Puducherry Municipality vide Certificate bearing Registration No.M/1998/4544. The Birth Certificate also clearly shows the address of the parents of the petitioner at Puducherry. That apart, the petitioner has completed his entire schooling and college education only at Puducherry. In fact, the 3rd respondent has issued a certificate on 28.11.2013 stating that the petitioner is residing in Puducherry for the past 10 years and again on 23.10.2020, the 3rd respondent has issued residence certificate stating that the petitioner is residing in Puducherry for the last five years. Further, on 20.01.1995 and 04.04.2006, the 3rd respondent has issued Nativity Certificate to the petitioner's father. The petitioner is ordinarily residing only at Puducherry and is a permanent resident of Puducherry. He has obtained following documents at Puducherry :

- (a) Birth Certificate issued by Puducherry Municipality dated 29.04.1998
- (b) Secondary School Leaving Certificate dated 23.05.2014
- (c) Higher Secondary Course Certificate dated 17.05.2016
- (d) Transfer Certificate by School upon completion of 12th Standard
- (e) Provisional Degree Certificate dated 09.01.2021



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(f) Integrated Certificate-Nativity/Residence/Community/Nationality issued by Department of Revenue & Disaster Management dated 28.11.2023

(g) Residence & Nativity Certificate issued by Tahsildar dated 23.10.2020

(h) Community Certificate issued by the Tahsildar dated 23.10.2020

(i) Petitioner's family Ration Card issued by Government of Puducherry

(j) Voter ID Card

(k) Aadhar Card

(l) Petitioner's father's Aadhar Card

(m) Petitioner's Father's Driving Licence

(n) Nationality Certificate issued by 2nd respondent to petitioner's father dated 20.01.1995

(o) Nativity Certificate issued by 2nd respondent to petitioner's father dated 04.04.2006

(p) Voter ID Card issued by Election Commission of India to petitioner's father during Aug'1995

(q) Invitation to 15th day Ceremony of petitioner's grandfather

(r) Marriage Invitation of petitioner's parents

(s) Water Tax Receipt

(t) Copy of petitioner's father's old ration card

(u) Letter dated 17.11.2011 submitted by petitioner's father to the Director, Lands and Survey seeking to issue LGR Patta in respect of portion of the land occupied by him

(v) Letter dated 19.12.2014 submitted by petitioner's father to the Director, Lands and Survey seeking to issue LGR Patta in respect of portion of the land occupied by him.



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4.However, it is the grievance of the petitioner that, without taking into consideration all the above, the impugned order has been passed and the same is sought to be quashed on the ground that the reasons given by the respondents are completely erroneous. It is the contention of the petitioner that, merely because the petitioner's father had EPIC Card and Ration Card and a property in Tamil Nadu, the same cannot be put against the petitioner.

5.Counter affidavit has not been filed on behalf of the respondents. However, the enquiry report of the Village Administrative Officer (VAO), Ariyur, Puducherry, who is said to have conducted an enquiry in this regard, has been placed before this Court.

6.Learned counsel for the petitioner would submit that the petitioner was born in Puducherry and from the very inception, he is residing in Puducherry and his parents are also residing at Puducherry. Merely because the petitioner's parents are also natives of Tamil Nadu, that cannot be put against the petitioner. All the educational certificates and Birth Certificate registered in the year 1998 and all the other Government documents in the name of the petitioner clearly show that the petitioner is a permanent



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resident of Puducherry, which has not been taken note of by the VAO.

Though the petitioner's name is also reflected in some documents in respect of his ancestral place in Tamil Nadu, the petitioner has never taken any advantage of the same. In fact, he has also given an application to the Election Commission to remove his name from the Voters List in Tamil Nadu. Further, it is his contention that the enquiry report of the VAO relied upon by the authorities to reject the petitioner's claim, absolutely lacks any details as to whom the VAO has examined and further, the statements of the persons so examined, have not been recorded, and the VAO has unilaterally come to a conclusion that the petitioner is not a resident of Puducherry, relying upon which, the respondents have erroneously rejected the claim of the petitioner.

7.I have perused the entire materials available on record.

8.The 3rd respondent has passed the impugned order by just mechanically relying upon the statement of the Village Administrative Officer (VAO), Ariyur, Puducherry, without considering the entire documents produced by the petitioner. As far as issuance of residence certificate is concerned, by order No.6260/C2/Rev/2003, Revenue



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Department, dated 06.10.2003, the Secretary, Revenue Department,

Government of Puducherry, has issued the guidelines for issuance of residence certificate. The said order prescribes the criteria for determination of “residents” in the Union Territory of Pondicherry, which is extracted hereunder :

“(1) DETERMINATION OF THE “RESIDENTS” IN THE UNION TERRITORY OF PONDICHERRY.

The following shall be the criteria prescribed for determining persons as Residents of this Union Territory :

(1) The candidate or whose parent (either Mother or Father or Both) or Guardian (in the case of Children who have lost both the parents) has been residing continuously in this Union Territory for atleast five years preceding the date of application.

(ii) Those who have passed 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 the qualifying examination) in recognized educational institution(s) located in Pondicherry UT and having their residence in Pondicherry UT for 5 years continuously during that period.

(iii) Children of Central/State Government Servants/Defence Personnel/Central Paramilitary Forces Employees of Public Sector Undertakings wholly or



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substantially run either by the Central Government or by the Pondicherry LF Administration posted and serving in the Pondicherry UT for atleast a minimum period of one year prior to the last date of submission of application.

(iv) Children of Defence Personnel who were killed or disabled in action and children of Central Government Servants/Pondicherry UT Government Servants/Defence Personnel/Employees of Public Sector Undertakings as referred in category (i) who died while in service in the Pondicherry U.T.

(v) French Nationals residing in the Pondicherry UT and covered by the terms of the Treaty of Cession shall be treated on par with the candidates who produce the prescribed Pondicherry UT residence certificate, Such French Nationals will not be required to produce residence certificate, instead they should produce a certificate of registration, issued for this purpose from the French Consulate at Pondicherry. Children of then French Nationals shall not be considered for admission under the quota of non-residents.

(2) Further, the certificate-issuing authorities are instructed to strictly adhere to the following instructions in deciding the resident status of the applicants, namely,

(i) While computing the period of actual residence, temporary absence for education job etc. shall be ignored. In cases where the parents have gone abroad for the purpose of employment, then the residence of Orand parents in the U.T. of Pondicherry



may also be taken for the issue of Residence Certificate for study purpose only to their Grand Children in exceptional and genuine cases, where the children reside with grand parents are studying in recognized educational institutions in the U.T. of Pondicherry.

(ii.) The actual and physical residence of the applicant/parent/Guardian is essential. But, mere possession of evidences like Ration Card, EPIC Card or previous certificate, et are not the sole criteria for issuance of the Residence Certificate. At the same time, such evidences should not be totally ignored. After detailed enquiry, if it is found that such evidences are false or obtained on false representation of facts, immediate action has to be taken by the certificate-issuing authorities (Tahsildar/Dy.Tahsildar) to inform the appropriate authorities to cancel them. It shall also be brought to the knowledge of the concerned Deputy Collector Revenue)Joint Secretary(Revenue) for follow up action.

(3) For getting Nativity/Residence Certificate, the application has to be submitted by the applicant to the concerned Tahsildar of Taluk Office or Dy. Tahsildar of Sub-Taluk Office and it will be forwarded to the Village Administrative Officer of the concerned revenue village through the Revenue Inspector for discreet enquiry and report. If the applicant or parent or guardian resides in the concerned revenue village, as per the criteria mentioned in pre-paras, the Village Administrative Officer, shall make a report and it shall be verified by the



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Revenue Inspector. After considering the reports of the VAO and RI, the Dy.Tahsildar or Tahaildar of concerned. Sub-Taluk or Taluk may issue the certificate to the applicant. ...”

9.The above guidelines make it clear that, if either the mother or father or both or guardian (in the case of children who have lost both the parents) has been residing continuously in the Union Territory for atleast five years preceding the date of application, residence certificate could be issued. Similarly, any person who has passed SSLC/HSC or any other public examination and for that purpose, had undergone academic studies continuously for five successive classes immediately preceding the qualifying examination (including the year of the qualifying examination) in a recognized educational institution located in Union Territory of Pondicherry and having residence in Union Territory of Pondicherry for five years continuously during that period, is also eligible for such certificate.

10.The petitioner has placed on record his Birth Certificate which is not disputed by the respondents. The same clearly indicates that the petitioner was born in Puducherry in the year 1998. Previously, a Residence and Nativity Certificate is issued in favour of the petitioner on 23.10.2020



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by the Government of Puducherry. The Community Certificate is also issued by the Tahsildar on 23.10.2020 in favour of the petitioner and the Ration Card is also issued in favour of the petitioner's family by the Government of Puducherry. Besides, Voter ID, Aadhar Card and Driving Licence are also issued in Puducherry in the name of the petitioner and his family members. The petitioner's father has also obtained Driving Licence in the same place. The petitioner has also completed his school education from the beginning and examinations in 10th Std., 12th Std., and also college education in Puducherry. These facts are also not been disputed by the respondents. The School Certificates also clearly show the address of the petitioner in Puducherry. Earlier, Nativity Certificate was also issued in favour of the father of the petitioner and also the petitioner. That is also annexed in the typed set of papers.

11.It is to be noted that the impugned order relies only upon the enquiry said to have been conducted by the VAO, Ariyur, to reject the claim of the petitioner. The VAO, in his report, has stated that, in Puducherry also, a small house is also available to the petitioner's family and the villagers have informed him that the petitioner is not residing there permanently. However, to show as to who are the villagers he had examined, absolutely,



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there is no material. No statement has been recorded from the villagers.

The VAO's report also indicates that the Voters ID is available to the petitioner both in Puducherry and Tamil Nadu. However, the petitioner has already given application to the Election Commission to remove his name in the Voters List in Tamil Nadu. Therefore, merely because the petitioner's name is also found in the Voters List in Tamil Nadu, it cannot be said that the petitioner is not residing in Puducherry at all.

12.In fact, the petitioner was born in Puducherry. This fact is not disputed. The petitioner has completed his entire school and college education in Puducherry. This fact is also not disputed. Therefore, when the petitioner was born in Puducherry and has completed his entire education in Puducherry and when all the public documents are issued in the name of the petitioner in Puducherry, merely on the basis of the statement of the VAO, it cannot be said that the petitioner is not a native of Puducherry, particularly when the report of the VAO does not contain any material, whatsoever, as to how he conducted the enquiry, whom he had examined, except just giving a written statement on his own without any material particulars to substantiate his version. In the absence of the same, when the public documents issued by the Government of Puducherry in favour of the



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petitioner, clearly prove that the petitioner was all along in Puducherry and further, when the Government of Puducherry has issued Nativity and Residence Certificate to the petitioner on an earlier occasion, the orders impugned cannot be sustained which have merely followed the report of the VAO. All the public documents issued by the Government of Puducherry clearly show that the petitioner is a resident of Puducherry. Hence, the impugned orders issued by the 2nd and 3rd respondents are quashed and the respondents are directed to issue Residence Certificate to the petitioner on the basis of the available documents produced in this regard. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this order.

13. With these directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

04.12.2025

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Internet : Yes
Index : Yes
Speaking order : Yes
Neutral Citation : Yes



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To

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Department of Revenue and Disaster Management,
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- 2.The Sub-Collector (Revenue) South,
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N. SATHISH KUMAR, J.

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