



W.P.No.18 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.18 of 2023
and W.M.P.No.5 of 2023**

K.Vijendiran

.. Petitioner

Vs.

1. The Superintendent of Police (HQ),
Puducherry.
2. The Tahsildar-cum-Executive Magistrate,
Taluk Office, Oulgaret,
Puducherry.
3. The Deputy Collector (Revenue) North,
Puducherry.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the third respondent in No.6497/DCRN/A2/CERT/2002/3162, dated 18.11.2022 and quash the same as illegal and consequently direct the third respondent to issue Residence/Nativity Certificate to the petitioner within the time frame fixed by this Court.



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For Petitioner

: Mr. S.Gunasekar

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For Respondents

: Mr. Ramasamy Meyyappan
Government Advocate (Puducherry)

ORDER

This Writ Petition has been filed seeking to quash the impugned order of the third respondent in No.6497/DCRN/A2/CERT/2002/3162, dated 18.11.2022 and quash the same as illegal and consequently direct the third respondent to issue Residence/Nativity Certificate to the petitioner within the time frame fixed by this Court.

2. The learned Counsel appearing for the petitioner would submit that the first respondent, the Superintendent of Police (HQ), Puducherry, issued notification on 20.08.2018 inviting applications from the eligible candidates for recruitment to the post of Police Constables. The petitioner is fully qualified for appointment to the post of Police Constable in the Police Department, Puducherry and hence, he applied for the said post and he had qualified in physical standard, physical efficiency test for male candidate, written test, medical test. Thereafter, he was summoned for certificate verification by notice dated 26.07.2022 calling upon to submit certificate in



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proof of age, certificate in proof of educational qualification, Nativity/Residence for the period from 23.09.2013 to 22.09.2018, community certificate in respect of MBC candidate with 5 numbers of Passport size photographs on 04.08.2022. Immediately thereafter, the petitioner made application for issuance of Residence/Nativity Certificate and Community Certificate before the second respondent. However, the second respondent passed a rejection order in No.5434/TOO/A/Certi. Proceedings/2022, dated 20.08.2022. Aggrieved by the said rejection order of the second respondent, the petitioner had preferred an appeal before the third respondent and the third respondent had dismissed the appeal by order in No.6497/DCRN/A2/CERT/2002/3162, dated 18.11.2022 confirming the order passed by the second respondent. Challenging the said order of the second and third respondents, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that admittedly, the petitioner was born and brought up at Puducherry and his permanent address is at Puducherry. He studied at Navalar Nedunchezian Government Higher Secondary School at Puducherry. The documentary evidence submitted by him viz., his Aadhaar Card, Voter ID, Ration Card, Birth Certificate, Degree Certificate including school certificates, etc., were

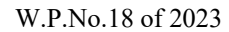


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all obtained from the authorities at Puducherry. He would further submit that he has been residing with his maternal grandparents at No.10, Mettu Street, Nerupukkuzhi, Lawspet, Puducherry and he goes to various places only due to his avocation. He would also submit that the name of the petitioner along with the family members finds place in the voter list at Mathur Village, Vanoor Assembly Constituency, Tamil Nadu, cannot be a ground to reject the request of the petitioner for issuance of Residence/Nativity Certificate.

4. The learned counsel appearing for the petitioner would further submit that the petitioner has been continuously residing at Puducherry region and except the voter list of the petitioner's family, no single document was relied upon by the respondents to negate the claim made by the petitioner and in the absence of any single document, except the voter list of the petitioner's family, showing that the petitioner is the resident of Tamil Nadu, the residence of the petitioner at Puducherry cannot be rejected by the authorities. Accordingly, he prayed for allowing this Writ Petition.

5. In support of his contention, the learned counsel appearing for the petitioner relied on the order passed by this Court in W.P.1725 of 2017, dated 15.11.2021 wherein this Court has observed as follows:



Revenue Department

Pondicherry 12.12.2002

The Revenue Department has been issuing certificates pertaining to “Nativity” through the Deputy Tahsildar/Tahsildars of Sub-Taluk/Taluk Office based on certain instructions issued for the determination of the nativity purely for educational purposes vide circular 2 nd cited. However, no comprehensive instructions have been issued in this regard for determination of nativity by birth or continuous residence.

Whereas the Government has been considering issue of comprehensive instructions in this regard for compliance by the certificate issuing authorities of the Revenue Department, the following criteria is now prescribed for determining the status of nativity in respect of any applicant whether by birth or by continuous residence:

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“Ordinarily resident”, the person should have been staying either by himself or with his family within the Union Territory of Pondicherry continuously with a clear intention of residing there permanently, but for temporary absence from such place of residence for reasons job or education etc., As long as the applicant is able to establish satisfactorily his intention to return to his place of residence on the conclusion of such temporary absence, he may be considered to be a person ordinarily residing in the Union Territory.

(b)Nativity by continuous residence: The applicant should have been residing continuously for five years in the Union Territory prior to the date of the application.

The above certificates pertaining to nativity may be issued in the prescribed format as enclosed. However, pre-printed formats as contained in the application forms issued by the educational or financial institutions/agencies etc can also be filled up and certified by the certificate issuing authorities in respect of nativity by following the criteria prescribed by such institutions/agencies or in the absence of any such prescribed criteria by following the criteria specified above by this Department. The instructions as above should be adhered to strictly while issuing Nativity Certificate in future.

10.The above said G.O. clearly speaks about nativity by birth wherein, an applicant whoever is born in Union Territory of Pondicherry and ordinarily residing between the period prior to the date of application, is entitled for nativity certificate. The said G.O also states that the temporary absence of any person will not be a bar when the said person has got clear intention of residing there permanently, for the purpose of obtaining nativity certificate. In order to satisfy criteria of "ordinarily resident" so as to claim Nativity by birth, the applicant should have been staying either by himself or with his family within the Union Territory of Pondicherry continuously with a clear intention of residing there permanently, but for temporary absences from such place of



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residence for reasons of job or education, etc. Therefore, as long as the petitioner is able to satisfy that his intention to return and reside at his place within the Union Territory of Pondicherry on conclusion of his job, there is no impediment for the respondents to consider his claim.”

6. *Per contra*, the learned Government Advocate (Puducherry) appearing for the respondents would submit that the actual and physical residence of the applicant is essential and mere possession of evidence like Aadhar Certd, Ration Card, School Certificate or previous certificates, etc., are not the sole creteria for issuance of the Residence/Nativity Certificate. At the same time, such evidences should not be totally ignored. However, the secrete enquiry revealed that the petitioner was born only at Puducherry and resided with his parents at Mathur Village in Tamil Nadu and he has not been continuously residing at Puducherry. Therefore, his request for issuance of Residence/Nativity Certificate was rightly rejected by the authorities and the orders passed by the authorities are proper which need not be interfered with. Accordingly, the learned Government Pleader (Puducherry) appearing for the respondents prayed for dismissal of this Writ Petition.

7. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Puducherry) appearing for the respondents.



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8. The facts of the present case are not in dispute. Admittedly, the petitioner was born at Puducherry and he had completed his entire studies including school education and higher secondary education at Puducherry. He has also produced Aadhaar Card, Voter ID, Ration Card, Birth Certificate, Secondary School Leaving Certificate, Higher Secondary Course Certificate, Bachelor Degree at Pondicherry University, etc., All those certificates were issued by the authorities of Union Territory of Puducherry. The respondents have not produced a single document, except the voter list of the petitioner's family, to prove that the petitioner was residing at Tamil Nadu along with his parents. The petitioner goes to various places due to his avocation from Puducherry. Such absence cannot be relied by the respondents to deny the request of the petitioner for issuance of Residence/Nativity Certificate. The guidelines in the Government Order issued by the Pondicherry Government in G.O.Ms.No.48, Revenue Department, dated 12.12.2002 makes it clear that temporary absence can be ignored.

9. In view of the above discussion, the Writ Petition is allowed and the order passed by the third respondent in No.6497/DCRN/A2/CERT/2002/3162, dated 18.11.2022 is set aside and the



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third respondent is directed to issue Nativity/Residence Certificate to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

07.11.2025

SRM

Index :Yes/No
Speaking/Non-speaking order
Internet :Yes
Neutral Citation :Yes/No

To

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Puducherry.
2. The Tahsildar-cum-Executive Magistrate,
Taluk Office, Oulgaret,
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M.DHANDAPANI,J.

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