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W.P.Nos.34306 and 34307 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.34306 and 34307 of 2023

and W.M.P.Nos.34196 to 34199 and 34202 of 2023

W.P.No.34306 of 2023

K.Arun Sreeram

... Petitioner

Vs.

1.The Secretary,
Government of Puducherry,
Department of Personnel and Administrative Reforms,
(Personnel Wing),
Puducherry.

2.The Deputy Secretary,
Government of Puducherry,
Department of Personnel and Administrative Reforms,
(Personnel Wing),
Puducherry.



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3.The District Collector,
Puducherry.

4.The Tahsildar,
Taluk Office,
Office of the Tahsildar,
Puducherry.

5.The Deputy Tahsildar,
Viliannur,
Taluk Office,
Office of the Tahsildar,
Puducherry.

6. The Deputy Tahsildar cum Executive Magistrate,
Puducherry,
Office of the Tahsildar, Puducherry.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceeding bearing No.4994-A/TOP/Certificates/2023 Puducherry, dated 06.11.2023 issued by the sixth respondent and quash the same and consequently, directing the 6th or 5th respondents to issue the Nativity/Residential Certificate and as well as the EWS Certificate.



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For Petitioner : Mr.U.Karunakaran

For Respondents : Mr.M.Nirmal Kumar
Government Advocate (P)

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W.P.No.34307 of 2023

K.Arun Sreeram

... Petitioner

Vs.

- 1.The Secretary,
Government of Puducherry,
Department of Personnel and Administrative Reforms,
(Personnel Wing),
Puducherry.
- 2.The Deputy Secretary,
Government of Puducherry,
Department of Personnel and Administrative Reforms,
(Personnel Wing),
Puducherry.
- 3.The District Collector,
Puducherry.
- 4.The Deputy Tahsildar,
Taluk Office,
Office of the Tahsildar,
Puducherry.



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5. The Tasildar,
Taluk Office,
Puducherry.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the notice dated 06.10.2023 bearing No.4994-A/TOP/Certificate/2023 issued by the fifth respondent and quash the same and consequently, direct the fifth respondent to issue EWS Certificate to the petitioner.

For Petitioner : Mr.U.Karunakaran

For Respondents : Mr.M.Nirmal Kumar
Government Advocate (P)

COMMON ORDER

The prayer laid in these writ petitions is for issuance of Nativity Certificate and Certificate showing the economic status of the petitioner.



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before the Deputy Secretary, Government of Puducherry, Puducherry and

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produced all the Certificates relating to his educational qualification and

other qualifications and sought 15 days to produce the Nativity Certificate.

Accordingly, the said request was accepted by the Deputy Secretary,

Government of Puducherry, Puducherry. The petitioner again moved the

Tahsildar, Puducherry and pressed for issuance of Nativity Certificate.

Again, the issue was delayed by the Tahsildar, Puducherry, which has

prompted the petitioner to approach this Court by filing the writ petition

seeking a direction upon the respondents therein to issue Nativity

Certificate. The writ petition was allowed and the respondents were directed

to conduct an enquiry and pass orders on the application of the petitioner.

Pursuant to the directions of this Court, the respondents have conducted

enquiry and the impugned orders were passed negating the request of the

petitioner for issuance of Nativity Certificate and also the Certificate



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showing his economic status. Aggrieved by the same, the present writ

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petitions have been filed.

4. The respondents have filed detailed counter affidavits denying the averments made by the petitioner in the present writ petitions.

5. Heard both sides and perused the materials available on record.

6. The issue raised in these writ petitions is in a very narrow compass.

This Court is not in a position to appreciate the way in which the respondents have treated the application of the petitioner seeking Nativity Certificate. The petitioner has demonstrated in clear terms that he has done his entire schooling and college only in Puducherry. The petitioner has produced enough material in this regard. The objection raised by the



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respondents that the petitioner has shown the address of the maternal uncle as permanent address, has nothing to do with the issue of deciding the Nativity. Even his uncle's address falls within the territorial jurisdiction of Puducherry and therefore, the question before the respondents was whether the petitioner was residing within the Union Territory of Puducherry. The petitioner has clearly demonstrated that he has been all along living only within the territorial jurisdiction of Puducherry and therefore, this Court has no hesitation to hold that the petitioner is a native of Puducherry.

7. In view of the above, the respondents are hereby directed to issue Nativity Certificate as early as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

8. The next issue is as to whether the petitioner would be entitled to



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the Certificate that he belongs to Economically weaker section.

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9. The respondents deciding the economic status of the petitioner have taken into consideration the ancestral property of the petitioner without considering the fact that the other legal heirs of the petitioner's grand father would also be entitled to a share in the ancestral property. The petitioner has clearly demonstrated that his father holds only 4.43 acres. The prescribed land limit by the Government is that no person should be held more than 5 acres of the land. Since the petitioner has proved that his father was in possession of only about 4.43 acres, which is well within the prescribed limit of 5 acres, the petitioner would be entitled for issuance of Certificate that he belongs to economically weaker section.

10. Therefore, the respondents are directed to issue Certificate to the



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petitioner showing that he belongs to economically weaker section within a period of four weeks from the date of receipt of a copy of this order.

11. In the result, these Writ Petitions are allowed and the impugned orders dated 06.10.2023 and 06.11.2023 issued by the Tahsildar, Puducherry and the Deputy Tahsildar cum Executive Magistrate, Puducherry, are quashed.

12. This Court, vide order dated 12.12.2023, had recorded the statement made by the learned Additional Government Pleader that one post will be kept vacant. Since these writ petitions are allowed, the respondents are directed to consider accommodating the petitioner in the said post. There shall be no order as to costs. Connected miscellaneous petitions are closed.



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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

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Department of Personnel and Administrative Reforms,
(Personnel Wing),
Puducherry.

2.The Deputy Secretary,
Government of Puducherry,
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(Personnel Wing),
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Office of the Tahsildar,
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M.DHANDAPANI, J.

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