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W.P.(MD) Nos.5210 & 5211 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P.(MD) Nos.5210 & 5211 of 2025
and
W.M.P.(MD) Nos.3814 & 3818 of 2025**

W.P.(MD) No.5210 of 2025:

V.Thirupathi

... Petitioner

-VS-

The Revenue Divisional Officer
Aruppukkottai Taluk
Virudhunagar District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order of the respondent in Na.Ka.A5/2186/2024, dated 12.09.2024, quash the same and consequently direct the respondent herein to issue a community certificate to the petitioner as “Hindu Kattunayakkan” on the basis



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of his online application No.TN-5202405191584, dated 19.05.2024 within a reasonable time as may be fixed by this Court.

For Petitioner : Mrs.A.Elamathi

For Respondent : Mr.V.Om Prakash
Government Advocate

W.P.(MD) No.5211 of 2025:

Minor.Santhiya
(through her father and
natural guardian

... Petitioner

-vs-

The Revenue Divisional Officer
Aruppukkottai Taluk
Virudhunagar District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order of the respondent in Na.Ka.A5/2186/2024, dated 16.08.2024, quash the same and consequently direct the respondent herein to issue a community certificate to the petitioner as “Hindu Kattunayakkan” on the basis of her online application No.TN-5202405191584, dated 19.05.2024 within a reasonable time as may be fixed by this Court.

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For Petitioner : Mrs.A.Elamathi
For Respondent : Mr.V.Om Prakash
Government Advocate

COMMON ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

These writ petitions have been instituted challenging the orders passed by the respondent dated 12.09.2024 and 16.08.2024 respectively.

2. Today, when the matter was taken up for hearing, learned Government Advocate appearing for the respondent produced a copy of the Scheme for redressal of the grievances relating to the community certificates issued by the Government in G.O.Ms.No.147, Revenue [RA-3(2)] Department dated 17.03.2016. As per the said Government Order, the original authority is the Revenue Divisional Officer. The first Appellate Authority is the District Collector. However, the State Level Scrutiny Committee ie., the second Appellate Authority is empowered to conduct a detailed enquiry by affording due opportunity to the parties.



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3. Factual findings of these authorities relating to the community of a person is of paramount importance and in the absence of such factual findings, High Court may not be in a position to exercise the powers of judicial review in an effective manner. Disputed facts relating to the community issues cannot be decided by the High Court under Article 226 of the Constitution of India.

4. Therefore, the aggrieved person has to exhaust the remedies contemplated under the Scheme and the final authority is the State Level Scrutiny Committee headed by the Principal Secretary to the Government and the Members, who are all well-versed with the custom practice and other aspects relating to the community matters.

5. In view of the Government Order issued in G.O.Ms.No.147, Revenue [RA-3(2)] dated 17.03.2016, the writ petitioners are at liberty to prefer an appeal before the first appellate authority i.e., the District Collector and thereafter, if aggrieved, to approach the second appellate authority i.e., the State Level Scrutiny Committee.



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6. In the event of preferring any such appeal, the first appellate authority, namely, the District Collector, shall take into consideration the period during which the present writ petitions were pending before this Court for the purpose of condoning the delay, if any, and decide the issues on merits and in accordance with law, as expeditiously as possible.

7. Accordingly, these writ petition are stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[A.D.M.C., J.]

10.06.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The Revenue Divisional Officer,
Aruppukkottai Taluk,
Virudhunagar District.



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W.P.(MD) Nos.5210 & 5211 of 2025

S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

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W.P.(MD) Nos.5210 & 5211 of 2025
and
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