



W.P.(MD)No.5564 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.03.2025

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THE HONOURABLE **MR.JUSTICE V. LAKSHMINARAYANAN**

W.P.(MD)No.5564 of 2025
and W.M.P(MD).No.4058 of 2025

G.Karthick

... Petitioner

vs.

The Tahsildar,
Taluk Office, Kalligudi Taluk,
Kalligudi, Madurai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the impugned rejection order passed by the respondent in online application No.TN-8620250122122 dated 22.01.2025 and quash the same as illegal and consequently direct the respondent herein to issue the Economically Weaker Section (EWS) Certificate to the petitioner.

For Petitioner : Mr.M.Maran

For Respondents : Mr.A.Kannan
Additional Government Pleader



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ORDER

The petitioner is an Engineering graduate. He belongs to a Backward Class Community. He applied for grant of EWS (Economically Weaker Section) Certificate. This application was made on 31.07.2024. As per the Revenue Inspector report, the application is rejected. The petitioner filed an another application on 13.08.2024, which was yet again rejected on the ground “Affidavit not submitted. So this petition is rejected”. He continued to claim that he belonged to Economically Weaker Section, he made out an applications on 03.09.2024 and 17.09.2024. Both the applications were rejected on the ground of “Revenue Inspector Report and personal enquiry of the Tahsildar”.

2. Therefore, he applied for a fresh certificate on 22.01.2025. This application too was rejected on the ground “*Applicant family income sources details not attached, so not recommended*”. Aggrieved by the same, the petitioner has come forward with the present writ petition.



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3. I heard Mr.M.Maran for the petitioner and Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the respondent.

4. Mr.A.Kannan was ready with instructions of the Tahsildar. Mr.M.Maran reiterated all contentions stated in the affidavit and added that the petitioner has been given an offer for employment by the Superintendent of Post Office, Pattukottai Division. Hence, there is sense of urgency to obtain Economically Weaker Section certificate.

5. Mr.Kannan points out that the mother of the petitioner has 5 cents of residential plot in Nallamanayakkanpatti Village and she has also secured a patta under Patta No.650. In addition, she has a residential property to an extent of 850sq.ft, on which, they have constructed a two storey building. He also points out that the petitioner's mother is also having a share in Patta No.305 to an extent of 97.5 cents of agricultural land for the very same village. Hence, he states that the application under Economically Weaker Section category was rightly rejected under the impugned order.



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6. The Government of India through its Ministry of Personnel, Public Grievances and Pensions Department of Personnel and Training had issued an office memorandum in No.36039/1/2019-Estt (Res), dated 31.01.2019. The criteria for person to be covered under the Economically Weaker Section Scheme, is that the concerned person should not be SCs/STs/OBCs and the family has annual gross income should be below Rs.8.00 Lakh (Rupees Eight Lakh only). Apart from that, if the family of the applicant possess the following, he would not be eligible, irrespective of the family income :-

- (i) 5 acres of agricultural land and above;
- (ii) Residential at of 1000 sq ft. and above;
- (iii) Residential plot of 100 sq. yards and above in notified municipalities;
- (iv) Residential, plot of 200 sq. yards and above in areas other than the notified municipalities.

7. The term 'family' has been defined to be improved the applicant's parents, siblings, below the age of 18 and children below the age of 18.



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8. In so far as the first criteria is concerned, the petitioner belongs to Ganjam Reddy Community, which is a Backward Class Community and therefore, the petitioner satisfies the first criteria. With respect to the first clause of the immovable property, as per the report of the Tahsilar, the holding of the petitioner's mother together with other relatives comes to 97.5 cents and the share of the mother herself is around 48.75 cents. This being less than 5 acres, the petitioner complies with category no.1. In so far as the residential properties are concerned, the report of the Tahsildar states that the petitioner's mother has a residential house of 850 sq.ft and vacant land of 5 cents.

9. The residential property should not exceed 1000sq.ftt . 850 sq.ft being less than 1000sq.ft. So a residential criteria is also met. Category no.3 would not apply, as Nallamanayakanpatti is not a notified Municipal area. For non-notified Municipal area, the holding should be 200sq. yards and above. 200 sq.yards corresponds to 4.136 cents. As the petitioner's mother possessed more than this extent, it is argued by Mr.Kannan that the petitioner is ineligible.

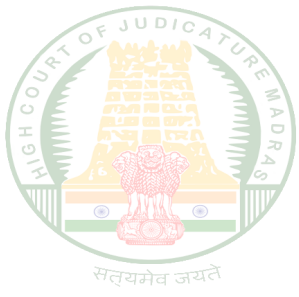


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10. A perusal of the impugned order shows that the Tahsildar has not referred to the certificate issued by him regarding the income of the family on 30.07.2024. The certificate shows that the petitioner's family as over all income Rs.60,000/- per year. This certificate has been issued in Certificate No.TN-4202407241801.

11. Mr.Kannan urges that the petitioner does not comply with the requirement of Economic Weaker Section category, the ground of rejection is that the petitioner had not enclosed his income details. When the Tahsildar himself has certified on 30.07.2024 that the income of the family is less than Rs.60,000/- per annum, the rejection of the Tahsildar necessarily requires to be interfered with. Though the argument of Mr.A.Kannan would be plausible, the impugned order cannot be improved by way of written instructions or counter. Hence, the writ petition succeeds. The impugned order passed by the respondent is set aside. The petitioner is at liberty to file a fresh application, which shall be considered on its own merits. The authority shall give reason as to why he is rejecting the said application.



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12. In result, this Writ Petition is allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
NCC :Yes / No
Rmk

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To
The Tahsildar,
Taluk Office, Kalligudi Taluk,
Kalligudi, Madurai District.



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V. LAKSHMINARAYANAN, J.

Rmk

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