



W.P(MD)No.15171 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2025

CORAM:

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

**W.P(MD)No.15171 of 2025
and
W.M.P.(MD) Nos.11449 and 11451 of 2025**

R.Vellaidurai

... Petitioner

Vs.

1.The District Collector,
Karur District, Karur.

2.The Revenue Divisional Officer,
Karur District, Karur.

3.The Director of Technical Education,
The Tamil Nadu Engineering Admission-2025,
Anna University, Guindy, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to issue community certificate to the petitioner's son Siva Rahul and daughter Siva Sakthi certifying “Kattu Nayakkan Community” as Schedule Tribes forthwith.



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For Petitioner : Mr.N.Shanmuga Selvam
For RR1 & 2 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

This writ petition has been instituted to direct respondents 1 and 2 to issue community certificate to the son and daughter of the petitioner viz., Siva Rahul and Siva Sakthi respectively certifying that both belong to “Kattu Nayakkan” community as Scheduled Tribe.

2. The petitioner states that his family belongs to Kattu Naicken community and he is residing in Sannapiratti Village, Karur Taluk. An application was submitted seeking community certificate to the son and daughter of the petitioner on 02.09.2023 through online. The petitioner states that he has provided all necessary informations and particulars enabling the authority to issue community certificate. However, no decision was taken. Thus, the petitioner is constrained to move the present writ petition.



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3. Mr.N.Shanmuga Selvam, learned counsel for the petitioner would contend that the father of the applicants/the writ petitioner is holding the community certificate as he belongs to Kattu Nayakkan community. The wife of the petitioner is also holding a certificate as a Scheduled Tribe. Applying G.O.Ms.No.104, Adi Dravidar and Tribal Welfare Department, dated 21.08.2023, the competent authority ought to have issued community certificate without any further reference. Once the parents belongs to a particular community and holding a certificate, then the children cannot be denied the community certificate.

4. The Hon'ble Apex Court made an observation that a big racket is going on in the State of Tamil Nadu regarding issuance of false community certificate. In this context, several matters are pending. Based on bogus community certificate, several persons are attempting to secure public employment and other welfare benefits extended by the Government for the benefit of Scheduled Caste and Scheduled Tribe community people. In this context, the Government as well as the Courts have time and again reiterated that a thorough enquiry is to be conducted before issuing community certificate more specifically, for Scheduled



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Caste and Scheduled Tribe community. Enquiry must be conducted in all respects, since in numerous cases, the community certificates of the parents are also found to be bogus. The modus adopted by some miscreants would indicate that community certificates are obtained by the parents by providing false informations and relying on the same, they are securing community certificate to their children, so as to avail various welfare benefits under the constitution. In the event of allowing such persons to avail the benefits under the constitution, the genuine persons will be deprived of their opportunity. Therefore, a serious view is to be taken to ensure that the reservation for Scheduled Caste and Scheduled Tribe is granted only to the genuine people and securing false community certificate by providing false informations is to be thwarted.

5. Mere production of the community certificate by the parents would be insufficient for issuing Scheduled Caste/Scheduled Tribe community certificate. En enquiry is to be conducted to ensure that the community certificate of the parents is also genuine. The compelling circumstances prevailing in the State of Tamil Nadu require such a verification, since in large number of cases, bogus community certificates



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are obtained by the parents, which are being utilised for the purpose of securing community certificate for their children.

6. In the present case, the petitioner states that he is holding a community certificate as he belongs to “Kattu Nayakkan” community. However, the Revenue Divisional Officer, Trichirappalli has verified the community certificate issued to the petitioner on 29.01.2001 in Certificate No.2692265. Upon enquiry, he found that the community certificate of the petitioner itself is found to be false. Thus, he has submitted a report to the District Collector, Trichirappalli on 08.04.2025 to cancel the community certificate issued to the writ petitioner. When the enquiry regarding the community certificate of the petitioner itself is pending before the District Collector for consideration, the petitioner has submitted applications to issue community certificate to his son and daughter. The competent authority also conducted an enquiry with the family members of the petitioner and the other relatives.

7. The relevant portion of the written instruction submitted before this Court by the Revenue Divisional Officer, Karur reads as under:



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“From the earlier study and documentation of Kattunayakan ST community it is culturally not similar to the Respondent community claim. The cultural factor elucidated by him do not clearly explained the customs and values of Kattunayakan community. Anthropological conclusions and observation of earlier writers like, E.Thurston, A.Aiyappan, K.S.Singh clearly explained the cultural traits of the kattunayakan community which is published in people of India, Published by Govt of India. Indication of primitive traits, distinct culture and Geographical isolation of tribal community shows the essence of the tribal community in large. Hence, I conclude that the data collected during the enquiry and the similarities of earlier documentation shows that the claim of Kattunayakan as ST community of Tamilnadu is found to be INCORRECT.”

8. That part, the said authority has conducted an enquiry in the native place of the petitioner. He has also conducted a field enquiry with the persons, who are residing in that locality. The Ethnographic Community Study Report submitted by the said authority reveals as follows:



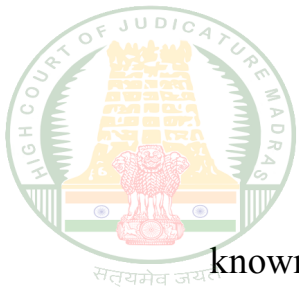
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“As far as the kattunayakan ST Community of Tamilnadu concern the community comes under the Privileged section of Particularly Vulnerable Tribal Group (PVTGs) who lives only in Gudalur Taluk, Udahagamandalam, Tamilnadu. Hence, I conclude that the data collected from the persons during the enquiry and the similarities of earlier documentation shows that the studied community people are only eligible to get the Community Certificate of Veduvar and Vedar which is listed in Serial No.132 of Backward class in the state of Tamilnadu and the Kattunayakan ST community of Tamilnadu found to be Incorrect.”

9. The above written instructions submitted by the Revenue Divisional Officer, Karur, would be sufficient to form an opinion that the positive direction sought for in the writ petition to issue community certificate to the children of the writ petitioner cannot be granted by this Court in exercise of the powers of judicial review under Article 226 of the Constitution of India. However, the petitioner is at liberty to defend his case either before the competent authority or before the appellate authority and thereafter, if required before the State Level Scrutiny Committee, as the case may be, to establish his community in the manner



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known to law. Instead of approaching the competent authority and the appellate authority to establish the community, the practice of filing writ petitions before the High Court under Article 226 of the Constitution of India seeking a direction to issue community certificate cannot be entertained and such writ petitions are not maintainable at all.

10. At the instance, a person seeking a community certificate has to submit an application before the competent authority and if it is rejected, then he has to approach the appellate authority and finally the State Level Scrutiny Committee, which is the final authority to decide the community of a particular person by conducting an elaborate enquiry and by affording opportunity to all the parties.

11. When the scheme of issuing community certificate has been well affirmed by the Hon'ble Supreme Court in number of judgments, the procedures are to be scrupulously followed. Filing a writ petition before exhausting the alternate remedy is not entertainable in such nature of cases. In this context, this Court has no hesitation in holding that no such direction to issue a community certificate can be issued by the High Court in a writ proceedings.



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12. In the present case, the enquiry has been conducted by the competent authorities but final orders are yet to be passed. Therefore, the authorities are at liberty to pass final orders based on the enquiry already conducted and initiate all appropriate actions including criminal prosecution, if any fraudulent community certificate has been obtained either by the petitioner or issued by any authority. However, the petitioner is at liberty to establish his community, if he is having any such documents or otherwise.

13. With the above observations, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.] [A.D.M.C., J.]
03.06.2025

Index: Yes/No
Internet: Yes/No
NCC: Yes/No

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and
DR.A.D.MARIA CLETE, J.

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