



W.P(MD)No.19012 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.19012 of 2024
and
WMP(MD)Nos.16086 and 16087 of 2024**

A.Malliga

... Petitioner

vs.

1. The District Collector,
Collectorate,
Thoothukudi District.

2. The District Revenue Officer,
Collectorate, Thoothukudi,
Thoothukudi District.

3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruchendur Post, Thoothukudi District.

4. The Tahsildar,
Taluk Office, Sathankulam Post and Taluk,
Thoothukudi District.

5. The State of Tamil Nadu,
Represented by its Secretary,
Adi Dravidar Welfare Department,
Chennai.

... Respondents



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(R5 is *suo motu* impleaded vide court order dated 06.08.2024 in WP(MD)No.19012 of 2024)

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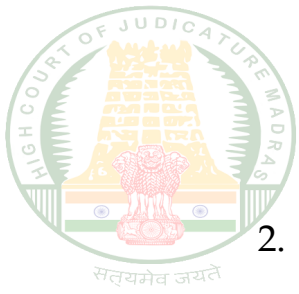
PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records in pursuant to the impugned order passed by the 3rd respondent in proceedings Na.Ka.A4/6111/2022 dated 31.05.2023 and quash the same and consequently direct the respondents to issue Kattunayakan community certificate to the petitioner's children namely, Pechimuthu, Saranya, Suganya and Masana Moorthi and Nithya, within a stipulated time may be fixed by this Court.

For Petitioner : Mr.M.Saravanakumar
For R1 to R4 : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

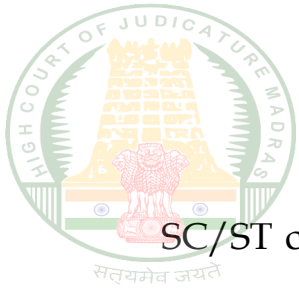
Challenging the order dated 31.05.2023 passed by the 3rd respondent, rejecting the request of the petitioner to issue kattunayakan community certificate to the petitioner's children, this writ petition is filed.



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2. The petitioner would state that she belongs to kattunayakan community. She has four children. For their higher education, she applied for community certificate to the 3rd respondent, who in turn, directed the petitioner to produce the blood relative community certificate and cousin brother's community certificate. The petitioner produced the required documents along with the genealogy chart. Though pursuant to the direction of the 3rd respondent, the 4th respondent/Tahsildar conducted an enquiry into the communal status of the petitioner and recommended the case of the petitioner for issuance of Hindu-kattunayakan community certificate, the 3rd respondent passed the impugned order stating that the petitioner has not submitted any document in respect of first generation persons indicated in the genealogy chart and further his cultural and other aspects did not reflect the community of Kattunayakan. Accordingly, the 3rd respondent rejected the community claim of the petitioner. As against the said order, the petitioner has filed this writ petition.

3. The learned counsel appearing for the petitioner would state that the 3rd respondent has not followed the procedure for issuance of



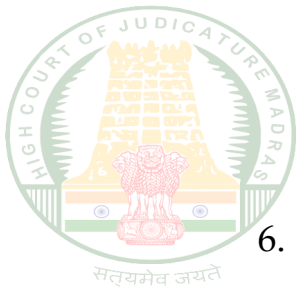
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SC/ST community certificates. As per the procedure, if the application is submitted with insufficient details, then the authority can direct the applicant to renew the request with full details. However, contrary to the said procedure, the 3rd respondent citing the insufficient details, has rejected the claim of the petitioner. In support of the said proposition, he would rely on a Division Bench judgment of this Court in *W.P.No. 26186 of 2023, dated 12.09.2023 [N.Rajagopal vs. The Revenue Divisional Officer, Dharmapuri, and two others]* (in which one of us (JNBJ) was a party). Thus, he would pray for setting aside the impugned order and to allow the writ petition.

4. The learned Additional Government Pleader appearing for the respondents would state that even though the petitioner did not produce the documents in respect of first generation persons, she did not elucidate her communal status during the enquiry and therefore, the 3rd respondent has rightly rejected the community claim of the petitioner which does not require interference by this Court.

5. Heard both sides.



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6. Before venturing on the merits of the case, we feel it appropriate to clarify the position on the procedure adopted by the respondents while considering the applications filed for issuance of community certificate by manual/traditional method. In the Manual for verification of community certificate published by the Government, Clause 3.9 lays down the procedure for issuance of Scheduled Caste/Scheduled Tribe community certificate. For better appreciation of the case, the procedure under Clause 3.9 of the Manual on Scheduled Castes/ Scheduled Tribes Community Certificates-Issuance and Verification, is extracted as follows:

3.9. Procedure for Issuance of Scheduled Caste/Scheduled Tribe Certificates.-

A. Traditional/Manual Method. -

(1) The application for grant of social status certificate shall be made to the Tahsildars (in case of Scheduled Castes) and Revenue Divisional Officers/SubCollectors/Assistant Collectors/Personal Assistant (General) to Collector of Chennai (in case of Scheduled Tribes).

(2) The authority competent to issue the community certificate, on receipt of the application, shall investigate the application in an open and transparent fashion, affording opportunity of hearing.

(3) On receipt of the application from the candidate, the competent Revenue officer authorized for issuing Scheduled Caste and Scheduled Tribe Community Certificates shall himself visit the candidate's local



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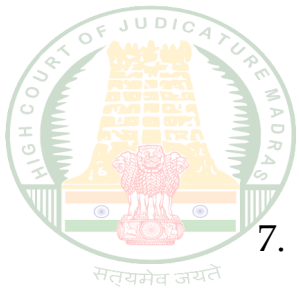
place of residence and make enquiries with the candidates; his parent/guardian; blood relatives; local residents (tribes and non-tribes); such other person who have knowledge of the social status of the candidate, local revenue officers such as VAO, Ri; etc., in an open and transparent fashion.

(4) On completion of due inquiry and proper verification of records/documents collected during the field enquiry, the above authority has the following three options for disposal of such applications:-

- i. The competent authority (RDO/Tahsildar) can issue the certificate applied for, if he is fully satisfied.*
- ii. If it is found after due inquiry that the request is not feasible of compliance, the competent authority can reject it and issue a speaking order to the applicant and close the papers.*
- iii. If the application is submitted with insufficient details or if it is found that additional details are required after inquiry, the authority can direct the applicant to renew the request with full details in a complete shape and close the papers.*

(5) In the cases, where the issuing authority is fully satisfied that the claim of the candidate or parent or guardian, as the case may be, that he belong to that community is correct, the above authority shall issue the permanent Community Certificate card to the candidate concerned.

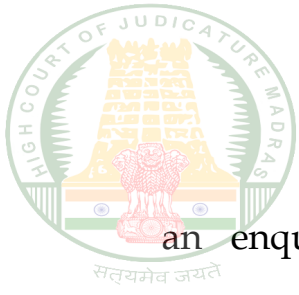
(6) The competent authority while issuing community certificate, should consider the Scheduled Tribe community issued in favour of the parents and close relatives of the applicants, subject to verification of the relationship and until the above Scrutiny Committee, the competent authority should accept the same and issue Scheduled Tribe Community Certificate to the applicants."



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7. Clause 4(iii) of the procedure categorically states that if the application is submitted with insufficient details or if it is found that additional details are required after inquiry, the authority can direct the applicant to renew the request with full details in a complete shape and close the papers. In the case on hand, though the 3rd respondent has observed in the impugned order that the petitioner has not submitted the documents in respect of first generation to prove her community claim, the 3rd respondent did not choose to direct the petitioner to renew the request with full details as stated in the abovesaid procedure, whereas, he has proceeded to reject the very community claim itself which is contrary to the abovesaid procedure. On that score alone, the impugned order is liable to be set aside.

8. Accordingly, the impugned order passed by the 3rd respondent in proceedings Na.Ka.A4/6111/2022 dated 31.05.2023, is set aside and the 3rd respondent shall consider the application submitted by the petitioner strictly in accordance with the relevant procedure for issuance of SC/ST community certificate. After getting the required additional particulars/documents from the petitioner and after holding



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an enquiry by providing sufficient opportunity to the petitioner

including personal hearing and after making a field inspection, the 3rd respondent shall pass a speaking order within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is allowed. No costs. Connected miscellaneous petitions are closed.

[J.N.B, J.] [S.S.Y, J.]
25.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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ORDER MADE IN
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