



W.P(MD) No.2190 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 15.12.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

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P.Santhanakalai

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar Tribal Welfare Department,
Fort St.George, Chennai.

2.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.A3/7772/2013, dated 9.12.2013 quash the same, and consequently direct the 2nd respondent to issue the Malaikuravar Community Certificate to the petitioner's children namely S. Karpagam, S. Venkatesh and S.Kohila within the time stipulated by this Court.

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For Petitioner : Mr.R.Sriram

For Respondents : Mr.A.Baskaran
Additional Public Prosecutor
for R1 & R2

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

The writ petitioner applied for issuance of ST certificate for his children certifying them as belonging to Malaikuravan community. The RDO, Sivakasi vide memorandum dated 9.12.2013 rejected the petitioner's request and called upon the petitioner to approach the jurisdictional Tahsildar and obtain certificate that they belong to the Hindu Kuravan Community. Challenging the same, this writ petition has been filed.

2. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.



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3. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that the community of the writ petitioner's children has been mentioned as Hindu Kuravan in their school records. Hindu Kuravan has been notified as backward class community. On the other hand, Malaikuravan is a notified schedule tribe. According to the respondents, the writ petitioner's certificate itself was fraudulently obtained. They would point out that though the writ petitioner claims that he studied in Srivilliputhur CMS Higher Secondary School, there are no records indicating that he underwent his schooling in the said institution. The learned Additional Government Pleader called upon this Court to sustain the impugned memorandum and dismiss the writ petition.

4. We carefully considered the rival contentions and went through the materials on record.

5. This writ petition was filed way back in the year 2014. It is being taken up for final disposal after a gap of 11 years. During the intervening period, the matter was listed on quite a few occasions. Even



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before us, it was listed on 03.12.2025. Till date, no counter affidavit has been filed. We therefore have to proceed on the premise that the basic allegation made in the affidavit filed in support of the writ petition stand uncontroverted.

6. In the typed set of papers, the petitioner had enclosed a copy of the certificate issued by the Tahsildar, Srivilliputhur certifying that he belongs to Malaikuravan community. The said certificate is still holding good. It has not been cancelled in the manner known to law. When the writ petitioner has been certified as belonging to Malaikuravan community which is a notified scheduled tribe, his children obviously cannot belong to any other community.

7. Our attention is drawn to the decision of Hon'ble Supreme Court reported in ***(2005) 12 SCC 248 (Stat of Bihar Vs. Sumit Anand)***. The Hon'ble Supreme Court had held that when the applicant's father, grand father, mother and maternal uncle had all been granted the certificate certifying that they belong to a particular (“Gond”) community, contra conclusion cannot be arrived at.



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8. We adopt the same approach in this case also. When the petitioner has been certified as belonging to Malaikuravan community, his children also should be certified as belonging to the very same community. In this view of the matter, the impugned memorandum is quashed. The second respondent is directed to issue community certificate in favour of the writ petitioner's children certifying that they belong to malaikuravan community which is a notified Scheduled Tribe. This certificate shall be issued immediately and without any delay. The Writ Petition is allowed. No costs.

(G.R.S., J.) (R.K.M., J.)
15.12.2025

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

1.The Secretary,
Adi Dravidar Tribal Welfare Department,
Fort St.George, Chennai.



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2.The Revenue Divisional Officer,
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