

W.P.(MD)No.24945 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON :	30.04.2025
PRONOUNCED ON :	22.08.2025

CORAM:

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

W.P.(MD)No.24945 of 2024

Guna

... Petitioner

Vs.

The Revenue Divisional Officer,
Illupur,
Pudukottai District.

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order made by the respondent in Na.Ka.4296/2023/A4 dated 06.10.2023, and quash the same as illegal and consequently, direct the respondent to consider the petitioner's online application for grant of community certificate within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff



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For Respondents : Mr.Veera Kathiravan,
Addl. Adv. General assisted by
Mr.M.Sarangan, Addl. Govt. Pleader

ORDER

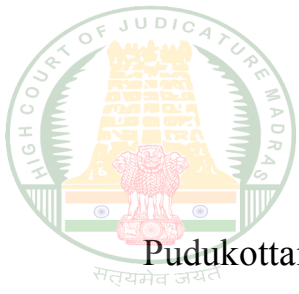
(Order of the Court was delivered by **J.NISHA BANU, J.**)

Seeking to quash the impugned order made by the respondent in Na.Ka. 4296/2023/A4 dated 06.10.2023 and for a consequential direction to the respondent to consider the petitioner's online application for grant of community certificate, the petitioner has filed the present writ petition.

2. The facts of the case are as follows:-

2.1. The case of the writ petitioner is that she belongs to the Kattunayakar Community which is classified as Scheduled Tribe Community in terms of Presidential Notification made under Article 342 of the Constitution of India. The petitioner is a home maker and a daily wage earner. The petitioner's husband is also an agricultural worker.

2.2. Even though the petitioner and her husband originally hail from Vikrapandi taluk of Villupuram district, they got settled down in Viralimalai of

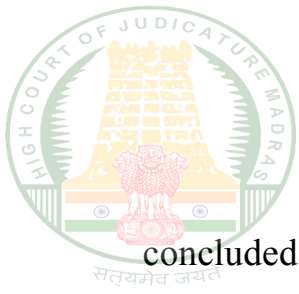


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Pudukottai district. It is averred from the petition that due to poverty and social disadvantage, the petitioner's husband is an illiterate, while the petitioner is a coolie working in agricultural fields. This being the scenario, a community certificate is much required for the education of their children and therefore, the husband of the petitioner, in the year 2022, has applied for the issuance of Kattunayakkan community certificate for his children which came to be rejected by the respondent, vide proceedings No.3332/2022/A4 dated 21.10.2022. Against which, the husband of the petitioner has filed a W.P.(MD) No.10195 of 2022.

2.3. This Court, vide its order dated 03.06.2022 has directed the first respondent to pass final orders on the statutory appeal preferred by the petitioner's husband against the rejection of his application, issued by the second respondent within a period twelve weeks from the date of receipt of a copy of that order. Subsequently, the matter was referred to Mr.Prasanth, anthropologist , SC/ST Vigilance Cell, Department of Tribal Welfare, Government of Tamil Nadu, Chennai.

2.4. On 20.07.2022, the Anthropologist conducted an enquiry in the petitioner's villages in Pudukkottai District. In its report dated 04.08.2022, he



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concluded that the petitioner's community lacks the cultural traits and ethnographic features of the Kattunayakan ST community. There was no evidence supporting their claim that they belong to the Kattunayakan ST identity in Tamil Nadu. Based on this anthropological report and lack of documentary proof, the RDO again rejected the application made by the petitioner on 06.10.2023. Aggrieved against the same, the present writ petition has been preferred by the petitioner.

3. According to the learned counsel for the petitioner, the petitioner's own brother, namely Balasundaram, had applied for community certificate as a Kattunayakar scheduled tribe in the year 2008 and was issued with the said certificate by the respondent. While being so, the application of the petitioner seeking for issuance of such community certificate was not considered and the respondent had passed the impugned order dated 06.10.2023 stating inter alia that, since the petitioner was born in Villupuram district and hail from the said place, the Tahsildar, Viralimalai had submitted a report in this regard to the respondent, citing G.O M.S No.61 Adi Dravidar and Tribal Welfare ADW10, Department dated 04.04.2006, and recommended that the petitioner's application shall stand rejected as an application seeking community certificate can be laid as per the said



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government order only in the place of permanent abode. Following the observations made by the Tahsildar, the respondent has passed the impugned order rejecting the application of the petitioner, which is illegal.

4. Moreover, in a batch of writ petitions filed before this Court in W.P. Nos.17355 to 17857 of 2017, dated 10.07.2017, where the Division Bench of this Court has held that residence in the original place of abode is not a valid ground for rejection. No application can be rejected on the above said G.O.Ms.No.61 as every citizen has a right to freedom of movement and would naturally be required to travel across the country for his livelihood and education and therefore, insisting that community certificate would be granted only if such person is resident in that place, where he originally belongs to is unjustified.

5. The above said view taken in W.P. Nos.17355 to 17857 of 2017, dated 10.07.2017 has been reiterated by the Division Bench of this Court in W.P. No. 13741 of 2023, dated 21.09.2023 and also in W.P. No. 17929 of 2017, dated 14.07.2017. The Court had even imposed a cost of ₹50,000 for disregarding the order of the Division Bench of this Court stated supra and rejecting the applications citing the above G.O. Ms. No. 61 dated 04.04.2006. According to the

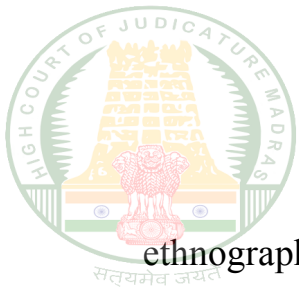


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learned counsel for the petitioner, despite the above, the respondent has rejected the petitioner's application again relying on G.O.(Ms).61 dated 04.04.2006, which deserves the interference of this Court and hence, prayed for allowing the writ petition.

5. Per contra, learned Additional Advocate General appearing for the respondent submitted that the petitioner was temporarily residing in Viralimalai Taluk, Pudukottai District and thereafter, migrated from Vikrawandi taluk, Vilupuram District. Meanwhile, the petitioner's daughter has got settled in Chennai after her marriage and the petitioner's son is studying in school at Vilupuram District. He further submitted that in the year 2022, the petitioner's husband, namely Murugesan, applied for Kattunaiyakan for his children, which subsequently came to be rejected on 21.10.2022, for the reason that no supporting community documents were submitted to establish his community through any document and that traces of Kattunaiyakan Community was not found in Pudukkottai District.

6. The learned Additional Advocate General further relied on the report of the Anthropologist that the petitioner's community lacks the cultural traits and



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ethnographic features of the Kattunayakan ST community. There was no evidence supporting their claim that they belong to the Kattunayakan ST identity in Tamil Nadu. Moreover, the petitioner has not provided any official record showing that she or her family belongs to the Kattunaiyakan ST, either in Viluppuram or Pudukkottai Districts.

7. It is contended by the respondent that there is no credible documentary proof of the petitioner's or her children's eligibility for a Kattunaiyakan Community Certificate. The family's claimed community traits do not align with established characteristics of the Kattunayakan ST community and therefore, prayed for dismissal of the writ petition.

8. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

9. It can be seen that the petitioner hails from a family that is economically and socially downtrodden. Both the petitioner and her husband belong to the Kattunayakan community and, being illiterate, they lack the



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knowledge, awareness, and capacity to navigate the procedural requirements for procuring and preserving documentary proof in support of their community status.

Their circumstances are such that they have been struggling merely to meet the bare necessities of life, and the absence of formal records cannot, by itself, be taken as conclusive against them, particularly when their socio-economic background is evident from the material placed on record.

10. It is pertinent to note that the petitioner's own brother has been issued with a valid community certificate recognising him as belonging to the Kattunayakan community. This fact lends substantial corroboration to the petitioner's claim, and in the absence of any credible evidence to the contrary, the benefit of doubt must lean in favour of the petitioner, so as not to deprive a genuine member of a Scheduled Tribe community of the constitutional protections intended for them.

11. In this context, it is necessary to specifically record a direction that the authorities shall not place reliance on G.O.Ms.No.61, Adi Dravidar and Tribal Welfare Department, dated 04.04.2006, in determining the petitioner's claim. G.O. (Ms.) No. 61, dated 04.04.2006, issued by the Adi Dravidar and Tribal



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Welfare Department, is only an administrative instruction intended to facilitate verification of community status by reference to the native place of the applicant and does not impose any statutory restriction compelling an applicant to obtain a community certificate solely from the revenue authority of his or her ancestral district. This Court, in a catena of decisions, has held that such an executive guideline cannot override the constitutional right of a citizen to reside and seek benefits in any part of the State, and that when an applicant or their immediate family members are in possession of validly issued community certificates and are permanent residents within a district, the competent authority of that district is bound to consider and process the application on merits, subject only to verification. Consequently, reliance on G.O. 61 as a ground to reject or redirect an application is legally unsustainable and liable to be set aside.

12. The operation of the said Government Order in the present factual matrix would result in grave prejudice to a bona fide claimant, particularly when its mechanical application would defeat the very object of ensuring that members of Scheduled Tribes receive the benefits constitutionally and statutorily guaranteed to them. The process of verification must, therefore, be undertaken in a manner consistent with the principles laid down by the Hon'ble Supreme Court



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and other High Courts, giving due weight to oral evidence, anthropological assessments, and local inquiry, especially in cases involving members of illiterate and marginalised communities who may not possess extensive documentary proof.

13. In light of the above, the impugned order made by the respondent in Na.Ka.4296/2023/A4 dated 06.10.2023 is hereby quashed and the respondent is directed to consider the request made by the petitioner and issue the requested community certificate to the petitioner within a period of four weeks from the date of receipt of a copy of this order. With these directions, the writ petition stands allowed. No costs.

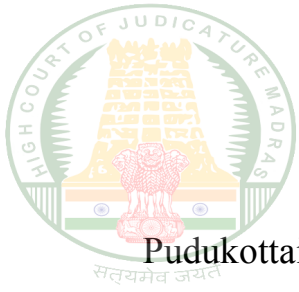
[J.N.B., J.] [S.S.Y., J.]
22.08.2025

sts

Index : Yes / No

To:

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Illupur,



Pudukottai District.

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J.NISHA BANU, J.

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Pre-delivery of order made in
W.P.(MD)No.24945 of 2024

Dated:

22.08.2025