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Cont.P.No.1935 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2026

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Cont.P.No.1935 of 2026

and

Sub Application No.592 of 2026

Kayalvizhi

: Petitioner

versus

M.Senthil Kumar,

Tahsildar,

Department of Revenue and Disaster Management,

Taluk Office, Oulgaret,

Puducherry

: Respondent

Prayer: Petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for wilfully disobeying the orders of this Court dated 20.05.2026 in WP No.14620 of 2026.

For Petitioner

:

Mr.A.E.Ravi Chandran

For Respondent

:

Mr.AR.L.Sundaresan,
Addl. Solicitor General,
assisted by Mr.V.Vasanthakumar,
Addl. Govt. Pleader, (Puducherry)



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ORDER

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

Heard Mr.A.E.Ravi Chandran, learned counsel for the petitioner and Mr.AR.L.Sundaresan, learned Additional Solicitor General of India, assisted by Mr.V.Vasanthakumar, learned Additional Government Pleader (Puducherry) for the respondent.

2. The petitioner herein filed WP No.14620 of 2026, seeking issuance of community certificate for her son Darshan. The petitioner sought the said relief on the strength of her origin. The authorities have taken the stand that since the petitioner's husband hailed from Tamil Nadu, such a certificate cannot be issued. In other words, the respondent declined to take note of the mother's origin.

3. We took note of the fact that a Division Bench of this Court, vide order dated 21.12.2023 in *WP No.34933 of 2023 (Siva Johnson Kennady vs. Union of India, Secretary to Government (Revenue), Puducherry and another)*, dealt with the very same issue and directed the authorities to issue community certificate based on the mother's origin. The said order was put to challenge before the Hon'ble Supreme Court by the State. The special leave petition is still pending.



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Interim stay, admittedly, has not been granted till date. It is brought to our notice by the learned counsel for the petitioner that this order was followed by few other

Division Benches of this Court. The said orders are as follows:

(i) WP No.34728 of 2024 (Brema vs. UOI, rep. by the Secretary to Government (Revenue) Puducherry, dated 19.11.2024;

(ii) WP No.37652 of 2024 (R.Muthu vs. UOI, rep. by the Secretary to Government (Revenue) Puducherry, dated 12.12.2024;

(iii) WP No.751 of 2025 (Vaishali and another vs. UOI, rep. by the Secretary to Government (Revenue) Puducherry, dated 27.01.2025;

(iv) WP No.6056 of 2025 (M.Manju Parkavi vs. UOI, rep. By the Secretary to Government (Revenue) Puducherry, dated 22.05.2025; and

(v) WP No.25382 of 2025 (R.S.Prathiba vs. UOI, rep. By the Secretary to Government (Revenue) Puducherry, dated 17.07.2025

4. It is interesting to note that the writ petitioner herein had earlier filed WP No.5548 of 2025 for similar relief. We disposed of the said writ petition by order dated 22.05.2025, granting the relief as sought for. It is relevant to note that our order dated 22.05.2025, in WP No.5548 of 2025, was duly complied with and community certificate was issued based on the petitioner's origin. However, for the subsequent year, i.e. 2026-27, the authorities insisted on production of a fresh community certificate. That led to the filing of WP No.14620 of 2026. When the



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writ petition was taken up, Mr.V.Vasanthakumar, learned Additional Government Pleader submitted that the Hon'ble Supreme Court had granted stay of contempt proceedings in SLP(C) No.23837 of 2025 (Union of India and Ors. vs. R.S.Prathiba), vide order dated 17.07.2025. The said order reads as follows:

“1. The issue, inter alia, that arises for our consideration is whether a child born out of an inter-caste marriage could take the caste of his mother.

2.The learned Attorney General, who appears for the Petitioners, submits that a similar issue is pending before this Court in Writ Petition (C) No.55/2025. It is, therefore, prayed that this matter be tagged with the said writ petition.

3.Issue notice, returnable in six weeks.

4.Tag this matter with Writ Petition (C)No.55/2025.

5.In the meantime, if any contempt proceedings have been initiated pursuant to the impugned order passed by the Court, the same shall remain stayed.”

5. It is relevant to note that the aforesaid SLP arose out of an inter-caste marriage. What was stayed by the Hon'ble Supreme Court was only the contempt proceedings initiated pursuant to the order passed by the High Court.

6. The learned Additional Government Pleader submitted that the stay of contempt proceedings in SLP No.23837 of 2025 should be deemed as stay of the



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operation of the order made in WP No.34933 of 2023.

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7. We made it clear that we will not subscribe to the proposition canvassed by the law officer. However, when our order was typed, paragraph 5 of the order dated 20.05.2026 did not properly capture what we dictated.

8. Even though we directed issuance of certificate, vide order dated 20.05.2026, the same was not complied with and that led to the filing of this contempt petition.

9. Today, when the matter was taken up for hearing, learned Additional Solicitor General submitted that he will take instructions. The matter was passed over and it was taken up at 1.10 p.m. The learned Additional Solicitor General clarified that certificate directed to be issued by this Court, not only in this writ petition, but in other writ petitions also, would be issued but with a caveat that it is being issued pursuant to this Court's direction and without prejudice to the stand of the State. It was further submitted that the rights of the parties would abide by the out come of the pending SLPs.



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10. In fact, we had taken care of this concern expressed by the learned Additional Solicitor General. Paragraph 6 of the order dated 20.05.2026 in WP No.14620 of 2026, categorically states that certificate to be issued in favour of the writ petitioner's son would abide by the outcome of the proceedings now pending before the Hon'ble Supreme Court of India.

11. In view of the fair stand taken by the learned Additional Solicitor General, the contempt petition stands closed. Consequently, Sub Application No.592 of 2026 stands closed.

12. Mr.M.Senthil Kukmar, Tahsildar, Oulgaret, Puducherry is present in Court and his presence is recorded.

(G. R. SWAMINATHAN, J.) (V. LAKSHMINARAYANAN, J.)
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Neutral Citation : Yes/No
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