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W.A.No.401 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	29.04.2025
<i>Pronounced on</i>	10.06.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.401 of 2025

H.Santhosh

...Appellant

Vs.

1.The District Collector,
Thirupathur District, Thirupathur.

2.The Tashildar,
Thirupathur District, Thirupathur.

3.The Principal Secretary,
Secretariat, Revenue Department,
Government of Tamilnadu Namakkal Kavignar Maligai,
For St.George, Chennai. ...Respondents

Prayer: Writ Appeal filed under Section 15 of Letters Patent praying to
set aside the order dated 22.02.2024 passed in W.P.No.1290 of 2024.

For Appellant : Mr.S.N.Subramani
for Mr.M.Navin Kumar

For Respondents : Mr.A.Selvendran
Special Government Pleader



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JUDGEMENT

WEB COPY **M.S.RAMESH, J.**

The paramount issue that arises for adjudication in this appeal is as to whether an Indian citizen can claim for issuance of a certificate recognizing him of not belonging to any caste or religion. In the order of the learned Single Judge passed in W.P.No.1290 of 2024 dated 22.01.2024, the appellant's request has been summarily rejected by holding that the Tahsildars of the State have not been empowered by the Government to issue such a certificate.

2. In India, religion and caste are two deeply rooted social identifiers that influence many aspects of life, including personal identity, politics and social interactions. Religion in India refers to a system of belief, practices and moral values centred around higher power or deity. India is known for its religious diversity with Hinduism, Islam, Christianity, Sikhism, Buddhism and Jainism being the major religions. Religion often shapes cultural practices, festivals and deity hopes and even marriage choices.



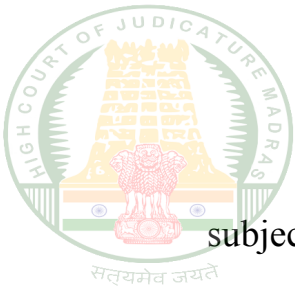
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3. Caste in India is a traditional social hierarchy especially associated with Hindu society, though its influence is felt across other communities too. It divides people into hereditary groups based on occupation and social status, the four main Varnas being, the Brahmins (priests, scholars); Kshatriyas (warriors, rulers); Vaishyas (traders, merchants) and Shudras (labourers, service providers). Apart from these, there are Scheduled Castes (Dalits), Scheduled Tribes and historically marginalized groups, who have been subjected to discrimination.

4. While the Constitution of India prohibits caste based discrimination, caste and religion still play a significant role in social life, politics, education and employment through reservation policies.

5. Article 25 of the Constitution of India guarantees the freedom of religion to all individuals, by holding that every person has the right to freely profess, practice and propagate their religion. The key features envisaged in Article 25, in other words, is that the individuals can choose their own religious belief, publicly declare one's religion, perform religious rituals and customs and share one's religious beliefs. However, the freedom under Article 25 of Constitution of India is not absolute, but



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subject to public order, morality, health and other provisions relating to functional rights. The State can regulate or restrict economic, political or secular activities associated with religious practices. The State can also make laws for social welfare and reforms, even if they interfere with religious practices like abolition of untouchability and animal sacrifice. Thus, the State would be under a Constitutional obligation to implement the intention and object of Article 25 in general and for the purpose of this case, recognize the freedom of conscience of an individual to choose their own religious beliefs.

6. The appellant herein is married to one D.Suganya and is having two children, namely S.Ranadhira Viyash and S.Devadikshya. In an affidavit filed before us, he had declared that he intends to raise his children in a casteless and religion free society. He had further declared that he had never claimed any benefit from the Government under caste or religious reservation and neither does he intend to claim any benefits from the Government in future.

7. The only objection raised by the learned Special Government Pleader is that the Tahsildars are not empowered with any Government



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Orders for issuance of a certificate to certify that the applicant does not belong to any caste or religion. The submission appears to be paradoxical, since we have been provided by three copies of certificates issued by the Tahsildar of Tirupathur, dated 05.02.2019, Tahsildar of Coimbatore, dated 27.05.2022 and Tahsildar of Ambattur, dated 18.08.2022, all certifying the beneficiaries therein not belonging to any caste or religion. Even otherwise, when there is a Constitutional mandate under Article 25, the Revenue Authorities cannot wriggle out of this Constitutional obligation by quoting the absence of any particular Rule or Government Order to that effect.

8. The learned Single Judge also appears to have been misguided with such a statement of objections from the Government Pleader and the order has also been passed without reference to the Constitutional mandate of Article 25 of the Constitution of India.

9. We are of the considered view that the claim of the appellant to have himself and his family members certified by the Government of not belonging to any caste or any religion is a laudable claim, which in the long run, would promote prohibition of caste based discrimination and



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also would be an eye opener for like minded citizens.

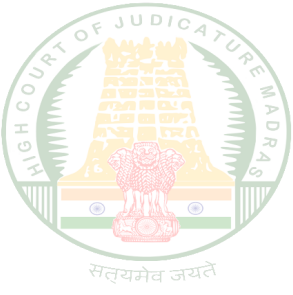
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10. Accordingly, we call upon the Government of Tamil Nadu to pass necessary Government Orders, with a specific instruction to the Revenue Authorities to positively entertain applications seeking for grant of certificate of “No Caste No Religion”.

11. In the light of the above discussions, the order passed by the Writ Court in W.P.No.1290 of 2024 dated 22.01.2024 is set aside. Consequently, there shall be a direction to the 1st and 2nd respondents herein to forthwith entertain the appellant's representations dated 25.09.2023 and 15.12.2023 and issue a “No Caste No Religion” certificate to the appellant herein, atleast within a period of one month from the date of receipt of a copy of this judgment. The Writ Appeal stands thus allowed. No costs.

[M.S.R., J] [N.S., J]
10.06.2025

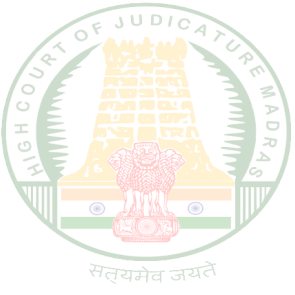
Index:Yes
Neutral Citation:Yes
Speaking order
hvk



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- 3.The Principal Secretary,
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For St.George, Chennai.
- 4.The Registrar,
Central Administrative Tribunal,
Madras Bench Court Building,
Chennai – 104.



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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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Pre-delivery order made in
W.A.No.401 of 2025

10.06.2025