

In the High Court of Judicature at Madras

Dated : 13.4.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

and

The Honourable Ms.Justice K.B.K.VASUKI

Writ Petition No.10687 of 2015

N.ManimegalaiPetitioner

Vs.

The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.Respondent

PETITION under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to issue community certificate to the children of the petitioner viz. K.Thileepan and K.Iniya that they belong to 'Kurumans (ST) community" based upon the proceedings of the State Level Scrutiny Committee passed in proceedings No.10615/CVIII/ 2014 dated 24.3.2015.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.R.Ravichandran, AGP

Order of the Court was made by V.Ramasubramanian,J

The petitioner's application for the issue of community certificate to her children was rejected originally by the Revenue Divisional Officer on 30.5.2014 on the ground that the genuineness of her husband's community certificate itself was to be verified by the State Level Scrutiny Committee. Challenging the said order, earlier, the petitioner came up with a writ petition in W.P. No.15660 of 2014. The said writ petition was disposed of by a Bench by an order dated 23.6.2014, directing the State Level Scrutiny Committee to conduct an enquiry and pass orders within a period of eight weeks.

2. Pursuant to the said order, the State Level Scrutiny Committee conducted an enquiry and passed an order dated 24.3.2015 holding that the petitioner belonged to Hindu Kurumans community,

which is classified as a scheduled tribe. The State Level Scrutiny Committee also issued a consequential direction to the Revenue Divisional Officer, Dharmapuri to issue appropriate community certificate even to the children of the petitioner to the effect that they belong to Hindu Kurumans community, classified as a scheduled tribe. Despite the above order, the respondent has not issued a community certificate to the children of the petitioner, forcing the petitioner to come up with the above writ petition seeking the issue of a Writ of Mandamus.

3. Heard Mr.S.Doraisamy, learned counsel for the petitioner. Mr.R. Ravichandran, learned Additional Government Pleader takes notice for the respondent.

4. In the first round of litigation, the petitioner had come up with W.P. No.13782 of 2014 to direct the Revenue Divisional Officer to consider her application and pass orders. Pursuant to the said order, the Revenue Divisional Officer passed an order dated 30.5.2014 to the effect that the community status of the petitioner had to be verified by the State Level Scrutiny Committee.

5. In the second round of litigation, this Court passed an order on 23.6.2014 in W.P.No.15660 of 2014 directing the State Level Scrutiny Committee, which was the second respondent therein, to conduct an enquiry and take a decision. Accordingly, the State Level Scrutiny Committee conducted an enquiry and came to the conclusion that the petitioner, her husband and her children belong to Hindu Kurmans, a scheduled tribe community. Paragraphs 6 and 7 of the order of the State Level Scrutiny Committee read as follows :

"6. The State Level Scrutiny Committee have carefully examined the deposition made by the individual, the views of the Anthropologist and the proceedings of the State Level Scrutiny Committee confirming the genuineness of scheduled tribe 'Kurumans' community certificate issued to the individual's paternal uncle Thiru P.Ramakrishnan and the relationship certificate certified by the Tahsildar, Dharmapuri that Thiru P.Ramakrishnan, S/O Thiru.K.Puttan is the paternal uncle of Tmt.N. Manimegalai, W/O Thiru K.R.Kumar.

7. After careful consideration, the Committee has decided that Tmt.N.Manimegalai, W/O Thiru K.R.Kumar, belongs to Hindu 'Kurumans' scheduled tribes community. Accordingly, the State Level Scrutiny Committee hereby directed the Revenue Official Officer, Dharmapuri to issue Hindu 'Kurumans' scheduled tribe community certificate to the children of Tmt.N.Manimegalai, W/O Thiru K.R.Kumar residing

at 3/328 F, Mullai Ngar, Savalupatti,
Collectorate Post, Dharmapuri District-636705."

6. Therefore, the respondent ought to have ensured that the petitioner is not driven to the necessity of a third round of litigation before this Court. It was the duty of the respondent to ensure that the order of the State Level Scrutiny Committee was complied with without any necessity for the petitioner to approach this Court.

7. The learned Additional Government Pleader contended that the respondent is entitled to conduct an enquiry and pass orders.

8. But, we do not know as to how the respondent can now conduct a super enquiry to come to a conclusion other than the conclusion reached by the State Level Scrutiny Committee. The respondent is bound by the proceedings of the State Level Scrutiny Committee.

9. Accordingly, the writ petition is allowed directing the respondent to follow the direction issued by the State Level Scrutiny Committee and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (Records)

/true copy/

Sub Asst. Registrar

To

The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

1 cc to Government Pleader, Sr. 20265

1 cc to Mr.S. Doraisamy, Advocate, Sr. 20160

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