

In the High Court of Judicature at Madras

Dated : 16.4.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

and

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

Writ Petition No.10993 of 2015

Tmt.L.Indhumathi

...Petitioner

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. Aswini and Akshaya that they belong to "Kurichchan (ST) community" based upon the proceedings of the State Level Scrutiny Committee passed in proceedings No.18021/CVIII/ 2014 dated 24.3.2015.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.P.Rajeswaran, SGP

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 dated 19.7.2014 on the ground that the genuineness of her 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.22645 of 2014. The said writ petition was disposed of by a Bench by an order dated 28.10.2014, directing the State Level Scrutiny Committee to conduct an enquiry and pass orders within a period of three months.

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 Kurichchan 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 Kurichchan 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.P. Rajeswaran, learned Special Government Pleader takes notice for the respondent.

4. In the earlier round of litigation, the petitioner had come up with W.P.No.22645 2014 to direct the Revenue Divisional Officer to consider her application and pass orders. Further, this Court passed an order on 28.10.2014 in W.P.No.22645 of 2014 directing the State Level Scrutiny Committee, which was the first 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 and her children belong to Hindu Kurichchan, a scheduled tribe community.

5. Therefore, the respondent ought to have ensured that the petitioner is not driven to the necessity of another 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.

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

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

8. 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/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Revenue Divisional Officer, Dharmapuri, Dharmapuri District.

1 cc to Mr. S.Doraisamy, Advocate, SR.No.20908

WP.No.10993 of 2015

ssi(co)

pmk.16.4.2015



WEB COPY