

In the High Court of Judicature at Madras

Dated : 17.4.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN
and
The Honourable Ms.Justice K.B.K.VASUKI

Writ Petition No.11117 of 2015

M.Saravanan

... 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 certificates to the petitioner's children viz. S.Vinothini and S.Mohankumar to the effect that they belong to 'Kurumans' community, which is a scheduled tribe.

For Petitioner : Mr.M.Radhakrishnan

For Respondent : Mr.P.Rajeswaran, SGP

ORDER

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

The petitioner's application for the issue of community certificate to his children was rejected originally by the Revenue Divisional Officer dated 21.6.2014. Challenging the said order, earlier, the petitioner came up with a writ petition in W.P.No.17281 of 2014. The said writ petition was disposed of by a Bench by an order dated 11.11.2014, directing the State Level Scrutiny Committee to consider the request of the petitioner 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 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.M.Radhakrishnan, 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.17281 2014 to direct the Revenue Divisional Officer to consider his request and pass orders. Further, this Court passed an order on 11.11.2014 in W.P.No.17281 of 2014 directing the State Level Scrutiny Committee, which was the second respondent therein, to consider his request and take a decision. Accordingly, the State Level Scrutiny Committee conducted an enquiry and came to the conclusion that the petitioner and his children belong to Hindu Kurumans, 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 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.

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

RS

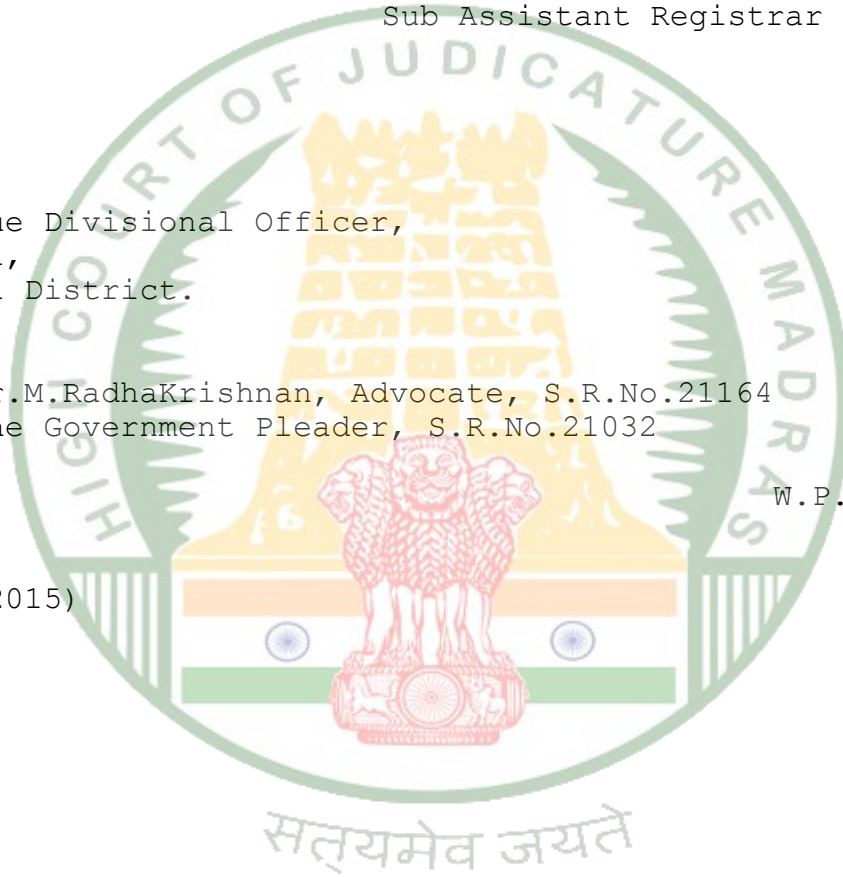
To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.M.RadhaKrishnan, Advocate, S.R.No.21164
+1cc to the Government Pleader, S.R.No.21032

W.P.No.11117 of 2015

MSM(CO)
CA(23/04/2015)



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