

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.12338 of 2015
and
M.P.No. 1 of 2015

D. Elumalai

Petitioner

Vs

The Revenue Divisional Officer,
Thiruvannamalai.

Respondent

Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records of the respondent relating to the order of online rejection dated Nil on the application of the petitioner dated 1.12.2014 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner and his children 1.Selvi.Praba and 2. Praveenkumar that they belong to Kurumans (ST) Community.

For petitioner :: Mr.V. Elangovan

For respondent :: Mr. R. Rajeswaran
Spl. Govt. Pleader

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI)

By this petition, the petitioner seeks a direction to the respondent to issue community certificate to him and his children 1.Selvi. Praba and (2) Praveenkumar that they belong to Kurumans (ST) Community and also to quash the on-line status report.

2 The facts, as projected by the petitioner, are that he belongs to Kurumans (ST) Community. He made an application on 02.12.2014 seeking issuance of community certificate/social status certificate to him and his children viz., 1.Selvi. Praba and (2) Praveenkumar on the basis that his wife has already obtained a community certificate on 13.08.2014.

3 According to the learned counsel for the petitioner, the requisite documents to facilitate the competent authority to issue community certificate/ social status certificate were enclosed with the said application.

4 On a perusal of the application, we do not find any enclosure, except two community certificates issued in favour of the petitioner's wife viz., Amudha and his relative-Latchathipathi. The competent authority, having examined the application and certificates, had referred the matter to the State Level Scrutiny Committee to get the facts examined through Vigilance Committee.

5 The learned Special Government Pleader appearing for the respondent, in turn, would submit that the Vigilance Committee works under the control and supervision of the State Level Scrutiny committee. Two community certificates submitted by the petitioner are not sufficient to take a decision on the social status of the petitioner and his children. Further, the community certificate of wife and other relatives cannot be a conclusive proof for grant of community certificate to the husband and children. Therefore, in order to have proper enquiry as contemplated under the Order of the Supreme Court, the matter has been referred to the State Level Scrutiny Committee. Thus, this writ petition is premature and deserves to be dismissed.

6 We have carefully examined the pleadings and documents appended thereto and also considered the aforestated contentions advanced by the learned counsel for the parties.

7 The competent authority under the Scheme is under an obligation to enquire the matter to establish the community/social status of a person. The certificate of relatives may be one factor to examine the claim of the petitioner. But, in no case, it can be a conclusive proof. To that effect, if the matter is referred to the State Level Scrutiny Committee to enquire about the petitioner's peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc., we cannot hold that the method adopted by the respondent/authority is not in accordance with law or perverse. We are of the considered opinion that in a case of such nature, proper enquiry has to be held to ensure that the benefit of the community certificate is not extended to those people, who basically do/will not belong to the said community. However, the competent authority must bear in mind, the time schedule given by the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and others¹ which were referred with approval subsequently in A.P. Vs. Laveti Giri and Anr.²,, Baswant Vs. State of Maharashtra &

1 (1994) 6 SCC 241

2 (1995) 4 SCC 32

Ors.³, Sudhakar Vithal Kumbhare Vs. State of Maharashtra and Ors.⁴ and G.M., Indian Bank Vs. R.Rani⁵, has to be adhered to, while considering the application and passing orders as per law.

8 This writ petition is disposed of accordingly. Consequently, M.P. No. 1 of 2015 is closed. No costs.

ra

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Revenue Divisional Officer
Thiruvannamalai

+ 1 cc to Mr.S.Doraisamy, Advocate SR 29499

+ 1 cc to Government Pleader SR 29419

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3 JT 2000 (10) SC 280

4 (2004) 9 SCC 481

5 (2007) 12 SCC 796