

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2015

C O R A M

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.1257 of 2015

L.Nagaraj

... Petitioner

Vs

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

... Respondent

This writ petition is filed under Article 226 of the Constitution of India seeking for the issuance of a writ of certiorarified mandamus to call for the records relating to the order of rejection passed in proceedings in Na.Ka.6312/2013/A4 dated 9.9.2014 on the file of the respondent, quash the same and to direct the respondent to issue community certificate to the petitioner and his children, viz., 1.Jothi Aruna and 2.Deva Arun that they belong to Kurichchan (ST) community.

For petitioner : Mr.S.Doraisamy

For respondent : Mr.N.Sakthivel, GA

ORDER

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

Challenging the order dated 9th September, 2014 of the respondent, the instant petition is filed.

2 The learned counsel appearing for the petitioner submits that the application for issuance of community certificate to his children was rejected without application of mind. The respondent had not considered the certificates granted in favour of blood relatives. It is further submitted that this Court by order dated 10th October, 2013, while disposing of the

petition, being W.P.No.17304 of 2013 filed earlier by the petitioner, directed the respondent to conduct enquiry and to find out whether persons named are real close relatives of the petitioner and thereafter, pass a fresh order in the light of the observations made by the Supreme Court in State of Bihar & others Vs. Sumit Anand¹. The respondent had rejected the application in a casual manner without examining the issue properly.

3 Per contra, the learned counsel for the respondent would submit that notwithstanding sufficient opportunity given to the petitioner to produce documents to establish the relationship with the said blood relatives, no evidence was produced and as such, the community certificate issued in favour of the purported blood relatives could not be accepted and relied on.

4 At this stage, the learned counsel appearing for the petitioner submits that one more opportunity be granted to the petitioner to produce all documents to establish the relationship for the purpose of re-examination of the application and to pass a fresh order, to which the learned counsel for the respondent has no objection.

5 Accordingly, the petitioner is granted two weeks time to produce all requisite documents, including the community certificates granted in favour of the blood relatives and also the documents to establish the relationship, to the respondent. On receipt of the same, the respondent shall take a decision thereafter within a further period of four weeks.

6 As a sequel, the impugned order dated 9th September 2014 is set aside and the matter is remitted back to the respondent to consider afresh in the light of the new documents sought to be produced by the petitioner, as aforestated, and to pass a fresh order, in accordance with law on its own merit, within a period of four weeks from the date of receipt of documents from the petitioner. Accordingly, the writ petition is disposed of. No costs.

sd/-
ASSISTANT REGISTRAR (CS-V)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

vvk

1 (2005) 12 SCC 248

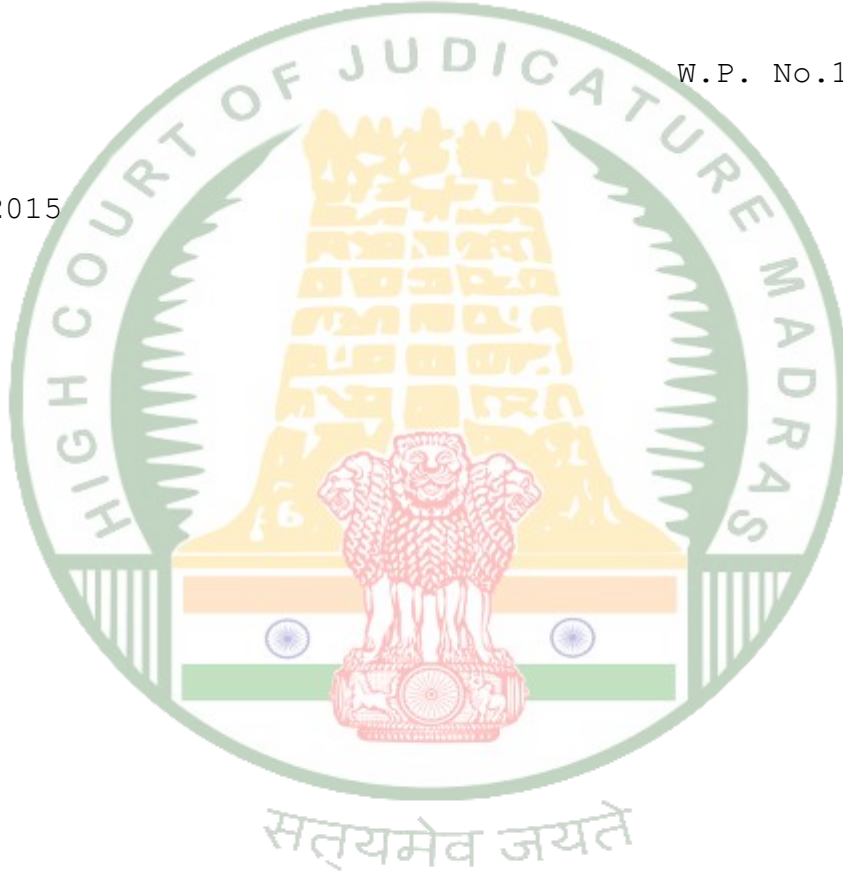
To

The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

+1 CC to Mr.S.Doraisamy Advocate. SR.NO. 54788
+1 CC to Govt.Pleader. SR.NO.54636

W.P. No.1257 of 2015

CO-KGK
JD 19/10/2015



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