

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15/10/2015

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.33184 of 2015

B. Krishnan

...

Petitioner

Vs

The Revenue Divisional officer
Dharmapuri.

...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of mandamus to direct the respondent to issue community certificate to the petitioner and his daughter K.Arsheni that they belong to "Kurumans (ST) Community" based upon the community certificate already issued to the petitioner's brother B.Perumal which was issued based upon the order of the State Level Scrutiny Committee dated 30/3/2015.

For petitioner : Mr.S.Doraisamy

For respondent : Mr.P.S.Sivashanmugasundaram
Spl.G.P.

ORDER

(delivered by SATISH K. AGNIHOTRI,J.,)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking a direction to respondent to issue ST Kurumans community certificate to him and his daughter K. Arsheni based on the Community Certificate issued in favour of the petitioner's own brother B. Perumal. Since no orders have been passed on the petitioner's application dated 10.08.2015, he has come up with the instant writ petition seeking the aforestated relief.

3 From a perusal of records, it is manifest that in support of his claim that he belongs to Kurumans (ST) Community, the petitioner has enclosed with his application, a copy of the community certificate issued in favour his brother B. Perumal.

4 By this petition, the petitioner is seeking a direction to the respondent to consider his application and issue community certificate to him and his daughter K. Arsheni accordingly. We have been repeatedly

observing that a community comprises not only the members of the family, but, also the members of the same group or tribe. In the case on hand, when the petitioner's brother has been issued with community certificate to that effect, such certificate do have a high probative value. However, it is well within the power of the competent officer concerned to examine the relationship of the said person with the applicant.

5 In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 10 August 2015, on merits and in accordance with law, after conducting enquiry as per the guidelines laid down by the Supreme Court in *Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others*¹. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of accordingly. No costs.

(SATISH K. AGNIHOTRI, J.) (K.K.SASIDHARAN, J.)

15 October, 2015

ra.

Index: Yes/No

¹ (1994) 6 SCC 241

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To

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