

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14/7/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.14435 of 2015

R. Veeramani

... Petitioner

Vs

The Revenue Divisional Officer
Harur
Dharmapuri District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the order of rejection passed in proceedings in Pa.Mu.7870/2010 (A1) dated 13/4/2015 on the file of the respondent quash the same and direct the respondent to issue community certificate to the daughters of the petitioner viz., 1. Hemavarshini and 2. Divya Dharshini that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner and his wife.

For petitioner : Mr.S.Doraisamy

For respondent : Mr.R.Rajeswaran, Spl.G.P.

O R D E R

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

Mr.R.Rajeswaran, learned Special Government Pleader accepts notice for the respondent. With the consent of the learned counsel for the parties, the matter is taken up for final disposal.

2. The writ petitioner is stated to belong to 'Kurumans Community', which is a Scheduled Tribe Community. He obtained a Community Certificate to that effect on 30th August, 1994 from the Revenue Divisional Officer, Dharmapuri. His wife Malliga also belonging to the same Community was also given the Community Certificate by the same Officer, after proper verification and enquiry. Thereafter, the petitioner had made an application for the issuance of Social Status Certificate/Community Certificate to his daughters viz., 1. Hemavarshini and 2. Divya Dharshini on 2nd July, 2008. After receipt of the said application, an enquiry was made and

the petitioner was also directed to appear with the relevant documents. Without examining the relevant documents, the respondent, by an order dated 13th April, 2015, declined to issue the said certificate, observing that the children belong to some other Community as there is no strong evidence available to show that the applicant belong to Kurumans (ST) Community. The respondent had fully ignored the Community Certificate granted to him and his wife. This is a clear case of non-application of mind.

3. We have been repeatedly observing that a community comprises of the members of the family and also members of the same group or tribe, caste, the children derive their community from their parents. If the parents were granted community certificate, without any further verification, their children, are entitled to the said certificate. The respondent has no authority to doubt the certificates issued in favour of the parents by the competent authority unless the same is set aside or modified by the higher authority i.e., State Level Scrutiny Committee.

4. For the reasons stated above, we set aside the order passed by the respondent dated 13th April, 2015 and direct the respondent to issue a necessary community certificate forthwith, preferably within a period of one week from the date of receipt of the copy of this order.

5. This writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs.

To
The Revenue Divisional Officer
Harur
Dharmapuri District.

+1cc to Mr.S. Doraisamy, Advocate, S.R.No.35516

+1cc to the Government Pleader, S.R.No.35587

RV(CO)
EU(24/07/2015)

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