

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2015

CORAM:

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

W.P.No.16289 of 2015

A.Vijayalakshmi

... Petitioner

vs.

The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondent to consider and pass orders on the application of the petitioner dated 16.04.2015 for the issuance of community certificate to the petitioner's children viz., 1. A.Suganthi and 2. A.Gogulakrishnan that they belong to 'Kurumans (ST) community' based upon the community certificate already issued to the petitioner's relatives.

For petitioner : Mr.S.Doraisamy

For Respondent : Mr.R.Rajeswaran,
Special Government Pleader

ORDER

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

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent, this writ petition is taken up for final disposal.

2. In this petition, the petitioner seeks a direction to the respondent - competent authority to consider the application of the petitioner dated 16.04.2015 and issue the necessary community certificate to the children of the petitioners viz., A.Suganthi and A.Gogulakrishnan that they belong to Kurumans (ST) Community.

3. According to the learned counsel for the petitioner, the petitioner as well as his children belong to Kurumans (ST) community. The petitioner's cousin brother - Latshathipathi's daughter viz., Girija was granted community certificate by the respondent on 17.9.2013 and as such on the basis of said certificate, the petitioner is also entitled to community certificate for his children.

4. Without filing proper counter affidavit, learned counsel appearing for the respondent submits that the application of the petitioner was rejected earlier. However, the said rejection order is not placed on record.

5. Be that as it may, the respondent - competent authority is required to examine the application of the petitioner dated 16.04.2015 on merit keeping in view several factors, which have been categorically laid down in Kumari Madhuri Patil and another Vs. Additional Commissioner, Tribal Development and others ((1994) 6 SCC 241). Hence, the respondent is directed to examine the application of the petitioner dated 16.04.2015 and also make proper verification and enquiry as required under the provisions of law and pass appropriate order within a period of six weeks from the date of receipt of copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

+lcc to M/s.S.Doraisamy, Advocate, S.R.No.31544
+lcc to the Government Pleader, S.R.No.31760

W.P. No.16289 of 2015

CTK(CO)
CA(02/07/2015)