

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI

AND

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. Nos.16562 to 16565 of 2015

D. Lalitha Petitioner in WP No.16562/2015
G. Yuvaraj Petitioner in WP No.16563/2015
G. Selvaraj Petitioner in WP No.16564/2015
D. Kuppuraj Petitioner in WP No.16565/2015

vs.

1 The District Collector
District Collector Office
Chennai District, Chennai
2 The Personal Assistant - General
Chennai District, Collector Office
Chennai District Respondents in all the WPs

Prayer in W.P. No.16562 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to issue permanent community certificate to the petitioner, who belongs to Hindu Kattunayakan community, classified as Scheduled Tribe, referring to the State Level Scrutiny Committee by its order dated 30.07.2009, certified that the petitioner's uncle, i.e., the petitioner's father's younger brother whose name N.Ramu also belongs to Hindu Kattunayakan community.

Prayer in W.P. No.16563 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to issue permanent community certificate to the petitioner, his daughter, viz., G.Y. Maghalakshmi, aged about 7 years and his son viz., G.Y.Karthikeyan, aged about 5 years belong to Hindu Kattunayakan community classified as Scheduled Tribe referring the State Level

Scrutiny Committee by its order dated 30.07.2009 certified that the petitioner's uncle, i.e., the petitioner's father's younger brother whose name N. Ramu also belongs to Hindu Kattunayakan community.

Prayer in W.P. No.16564 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to issue permanent community certificate to the petitioner, his son, viz., G.S. Sanjiv, aged about 6 years and his daughter, viz., G.S. Sangmithra, aged about 5 years belong to Hindu Kattunayakan community classified as Scheduled Tribe referring the State Level Scrutiny Committee by its order dated 30.07.2009 certified that the petitioner's uncle, i.e., the petitioner's father's younger brother whose name N. Ramu also belongs to Hindu Kattunayakan community.

Prayer in W.P. No.16565 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to issue permanent community certificate to the petitioner, his daughter, viz., K. Bhavana belongs to Hindu Kattunayakan community classified as Scheduled Tribe referring the State Level Scrutiny Committee by its order dated 30.07.2009 certified that the petitioner's uncle, i.e., the petitioner's father's younger brother whose name N. Ramu also belongs to Hindu Kattunayakan community.

For petitioner in
all the writ petitions Mr. B. Balavijayan

For respondents in Mr. R. Rajeswaran
all the writ petitions Special Government Pleader

सतममेन जयते
COMMON ORDER

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

Mr. R. Rajeswaran, learned Special Government Pleader, accepts notice for the respondents. In view of the commonality of the issue involved in these writ petitions and with the consent of the learned counsel on either side, the writ petitions are taken up for final disposal, at the admission stage itself.

2 The only limited relief sought by the petitioners is a direction to the respondents to issue a permanent community certificate to them and their children on the basis of their applications dated 24.11.2014.

3 It is the case of the petitioners that they have submitted all the relevant documents along with the application, seeking issuance of community certificate and thereafter, enquiry also has been conducted on the basis of communication dated 15.12.2014 and 27.01.2015 respectively, addressed by the District Collector, Chennai to the Revenue Divisional Officer, Tiruvallur, to conduct enquiry and submit a report. Subsequently, by letter dated 12.02.2015, a recommendation was made by the Sub-Collector, Tiruvallur, to the Tahsildar, Tiruvallur, to conduct an enquiry and to submit a report. The Tahsildar, Tiruvallur, by his report dated 31.03.2015, has recommended for grant of social status/community certificate on the basis of the report dated 04.03.2015 submitted by the Village Administrative Officer, Kakkalur. Thereafter, the matter has been pending with the District Revenue Officer, Tiruvallur, for issuance of social status/community certificate. Hence, the instant writ petitions, for the aforestated relief.

4 The learned Special Government Pleader appearing for the respondents submits that necessary requisite certificate, on the basis of enquiry, shall be issued, within a period of four weeks.

5 At this juncture, we are of the view that we must remind the officers that the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹, had fixed the time schedule and also the mechanism by way of guidelines to proceed with the issuance of social status/community certificate. The time schedule granted by the Supreme Court is six months for the first officer who is competent to issue the certificate. When such is the position, why the officer concerned is taking more than six months in almost all cases is beyond our ken. Thus, we expect that in future, the authorities will adhere to the time schedule stipulated in Kumari Madhuri Patil (supra) strictly, while dealing with the issuance of community certificate.

6 Resultantly, we dispose of the writ petitions with a direction to the authorities concerned to issue the necessary requisite certificate to the petitioner (in W.P. No.16562 of 2015) and the petitioners and their sons/daughters (in W.P. Nos.16563 to 16565 of 2015) on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Costs made easy.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The District Collector
District Collector Office
Chennai District, Chennai
- 2 The Personal Assistant - General
Chennai District, Collector Office
Chennai District

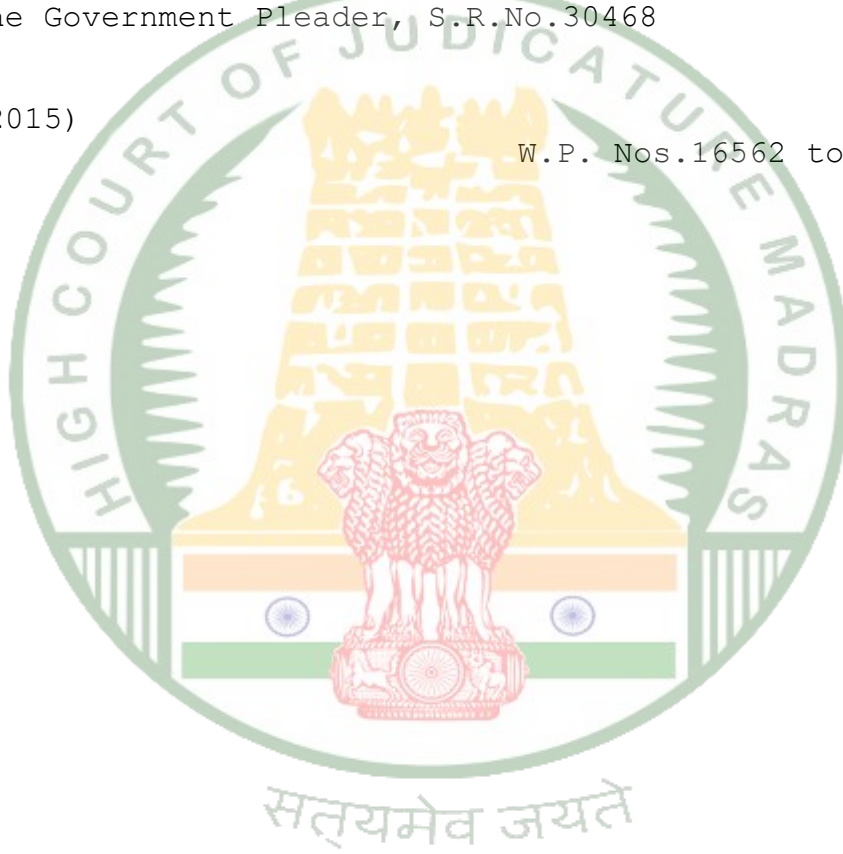
+4ccs to Mr.B. Balavijayan, Advocate, S.R.No.30835

+1cc to the Government Pleader, S.R.No.30468

NM(CO)

EU(29/06/2015)

W.P. Nos.16562 to 16565 of 2015



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