

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2015

CORAM:

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

W.P. No. 18860 of 2015

L.Senthilkumar

... Petitioner

vs.

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorairified Mandamus calling for the records relating to the order of rejection passed in proceedings in Na.Ka. 5786/2014/A4 dated 5.11.2014 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the daughter and son of the petitioner viz. S.Meenakshi and S.Lokesh that they belong to Kurichchan (ST) community based upon the community certificate already issued to the petitioner, his brother sister and other close blood relatives.

For petitioner : Mr. V. Elangovan

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 at the admission stage itself.

2. This writ petition is filed challenging the order of rejection dated 05.11.2014 passed by the respondent and for a direction to the respondent to issue community certificate to his

daughter and son viz. S.Meenakshi and S.Lokesh that they belong to Kurichchan (ST) community based upon the community certificate already issued to him, his brother and sister and other close blood relatives.

3. The case of the petitioner is that he is a member of Kurichchan (ST) Community. He had obtained community certificate to that effect on 24.06.1996 from the competent authority. Likewise, his sister L. Indumathi and brother L. Mutharasu had also obtained certificate on 24.06.1996. The community certificate obtained by his sister was also reviewed by the State Level Scrutiny Committee. The order of the State Level Scrutiny Committee, holding that the certificate granted to L. Indumathi, D/o M. Lakshmanan belongs to Hindu "Kurichchan" ST Community, was forwarded by the Section Officer on 24.03.2015. This order has clear indication that the family members of the petitioner viz., L. Indumathi and her children belong to "Kurichchan" ST Community. The Revenue Divisional Officer, Dharmapuri, while rejecting the application of the petitioner on 05.11.2014, had come to a casual and cryptic conclusion that the documents produced as evidence are obtained on false information given by the petitioner. The respondent/ Revenue Divisional Officer had completely ignored the fact that the certificate issued to other family members viz., the certificate issued to the petitioner's sister was verified and confirmed by the State Level Scrutiny Committee. Thus, there is no reason to take a contrary view without there being any substantial material or reasons.

4. The learned Special Government Pleader appearing for the respondent submits that it appears that the decision taken by the respondent was not based on the relevant materials.

5. In view of the foregoing, we are of the considered view that the order impugned is liable to be quashed and accordingly, quashed.

6. Resultantly, this writ petition is allowed and the respondent is directed to issue requisite community certificate to the petitioner's children as sought in the application, within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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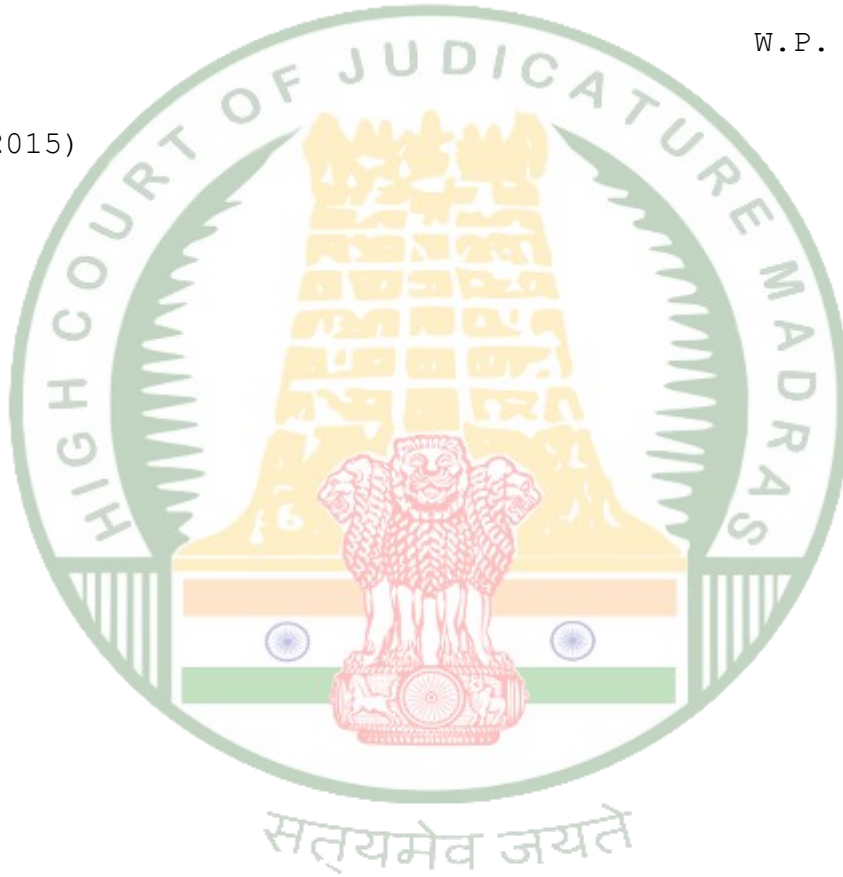
To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+lcc to the Government Pleader, S.R.No.32211

W.P. No.18860 of 2015

KSJ(CO)
CA(06/07/2015)



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