

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 8.7.2015

CORAM:

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

W.P. No.19201 of 2015

L. Kennedy

... Petitioner

Vs.

1. The Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
3rd Floor, Secretariat,
Chennai - 600 009

2. The Revenue Divisional Officer
Krishnagiri

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to issue Kurumans Scheduled Tribe community certificates to the petitioner and his three minor children, viz., Minor K.Sugapriya, Minor K.Archana and Minor K.Aravindan as per the recommendations of the first respondent issued in the Proceedings No.19675/CViii/2009, dated 30.3.2015 within the time to be stipulated by this Court.

For petitioner : Mr.R.Bharath Kumar

For respondents : Mr. R. Rajeswaran
Special Government Pleader

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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 respondents. 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. Being aggrieved by non-issuance of social status / community certificate pursuant to the proceedings dated 30th March, 2015 of the State Level Scrutiny Committee, the petitioner has filed the instant writ petition seeking a direction to the second respondent, who is the competent officer to issue social status/community certificate to him and his children, at the earliest.

3. The undeniable and indisputable facts are that the second respondent rejected the petitioner's application seeking grant of Hindu Kurumans Scheduled Tribe community certificate vide proceedings in L.Dis.2820/1997(D), dated 22nd March, 1997 and Nee.Pee.1/2001.F, dated 30th May, 2008. Thereagainst, the petitioner approached the State Level Scrutiny Committee on the basis of orders dated 26th August, 2009 passed by this Court in W.P.No.6738 of 2009, moved by him, wherein, it was held by this Court as under:

"Considering the facts and circumstances of the case and also the fact that the G.O.Ms.No.111 dated 6.7.2005 is replaced by G.O.Ms.No.108 dated 12.9.2007, constituting the State Level Scrutiny Committee consisting of three members for verification of the certificates of Scheduled Tribes, the petitioner is directed to approach the State Level Scrutiny Committee, within a period of two weeks from the date of receipt of a copy of this order. This petition is disposed of accordingly."

4. Pursuant thereto, the State Level Scrutiny Committee, vide proceedings No.19675/CVIII/2009 dated 30th March, 2015, on a careful scrutiny and examination of materials, came to the conclusion that the petitioner belongs to Hindu Kurumans Scheduled Tribe community and accordingly, a recommendation was made to the Revenue Divisional Officer, Krishnagiri, to issue necessary certificates to the petitioner and his children.

5. The learned counsel for the petitioner would submit that despite a clear direction, as aforesaid, given by the State Level

Scrutiny Committee, the requisite certificates have not been issued to the petitioner. The petitioner has been put to untold harassment and difficulties on account of the lackadaisical attitude of the officer concerned, who has no other option except to issue the requisite certificates, after final decision is taken by the State Level Scrutiny Committee.

6. The learned Special Government Pleader appearing for the respondents, per contra, would submit that even after the State Level Scrutiny Committee recommends for issuance of community certificate, the petitioner is required to make an application, enclosing necessary documents.

7. We have examined carefully, the contentions advanced by the learned counsel for the parties and also perused the pleadings and documents appended thereto.

8. The contention of the learned Special Government Pleader that even after the recommendation is made, the petitioner is required to make an application seeking issuance of community certificate, enclosing necessary documents, is noted to be rejected at the threshold. There is no authority that even after a decision has been taken by the High Powered Committee as constituted as per the direction of the Supreme Court in *Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others*¹, the Revenue Divisional Officer, who is competent to issue the community certificate, is required to re-examine the entire issue on the basis of the application and other relevant documents. The contention of the learned Special Government Pleader, seemingly, predicated on the approach of the authorities, is frivolous and liable to be rejected, having regard to the scheme as enunciated by the Supreme Court in *Kumari Madhuri Patil* (supra). What an applicant, seeking issuance of a community certificate, is required to do is to move the competent officer initially for obtaining the certificate, submitting necessary application and the relevant documents. Thereafter, it is incumbent on the officer to make enquiries and if necessary, to afford opportunities to the applicant for producing documents and other related evidence, in support of his case. Thus, when the State Level Scrutiny Committee had examined the case as per the scheme, the competent Revenue Divisional Officer is not required to re-examine the matter afresh. In that event, the person seeking issuance of community certificate is not obliged even to make an application for such relief.

¹ (1994) 6 SCC 241

9. Accordingly, we direct that in all those cases wherever recommendation has been made by the State Level Scrutiny Committee to the competent officer to issue community certificate, the said recommendation shall be communicated to the concerned authority within a period of one week and thereafter, the competent authority shall issue the community certificate within a further period of one week and despatch the same by Registered Post to the residential address or the address for correspondence, furnished by the applicant. It is made clear that this order shall be adhered to strictly, in letter and spirit. It is ordered accordingly.

10. With the above direction and observation, this writ petition stands allowed. Costs made easy.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vr

To

1. The Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai 600 009
2. The Revenue Divisional Officer,
Krishnagiri

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.34289

W.P. No.19201 of 2015

KM(CO)
CA(21/07/2015)

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