

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.20170 of 2015

N. Mahalingam petitioner

Vs.

- 1 The Revenue Divisional Officer
Dharmapuri
Dharmapuri District
- 2 The Chairman
Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Secretariat
Chennai 600 009 Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to issue "Kurumans" Scheduled Tribe certificate to the petitioner immediately.

For petitioner Mr. M. Radhakrishnan

For respondents 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 parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner, claiming that he belongs to Kurumans (ST) community, has made an application dated 18.05.2015 to the first respondent, seeking issuance of such community certificate

to him. Finding no response from the authorities, he has filed the instant writ petition with a prayer to direct the first respondent to issue Kurumans (ST) certificate to him.

3 From a perusal of materials available on record, it is seen that the State Level Scrutiny Committee has confirmed that the petitioner's paternal uncle's daughter by name K. Devi and the petitioner's another paternal uncle's son by name S. Kaviarasan belong to Kurumans (ST) community vide Proceedings No.22254/CVIII/2005 dated 28.04.2008 and Proceedings No.13544/CVIII/2006 dated 27.03.2014, respectively.

4 We have been repeatedly observing that a community comprises not only the members of the family but also the members of the same group or tribe. In the case on hand, when the community status of the petitioner's paternal uncle's daughter by name K. Devi and the petitioner's another paternal uncle's son by name S. Kaviarasan, has been confirmed by the State Level Scrutiny Committee, as aforesated, we find no reason as to why community certificate to the effect that the petitioner belongs to Kurumans (ST) community be denied to him.

5 In view of the above backdrop, we direct the first respondent to consider the petitioner's application dated 18.05.2015, hold proper enquiry and examine the documents/certificates qua his blood relatives produced by him, which have probative value and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6 The writ petition stands disposed of with the above direction. Costs made easy.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

- 1 The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

2 The Chairman
Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Secretariat
Chennai 600 009

+1cc to Mr.M. Radhakrishnan, Advocate sr.no. 34085.
+1cc to the government pleader, Advocate sr.no.34391.

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srg 24.07



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