

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2015

CORAM:

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

W.P. No.21488 of 2015

M. Parthiban

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 certiorarified mandamus, calling for the records relating to the order of rejection passed in proceedings in Na.Ka. 7681/2014/A4 dated 23.01.2015 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner's daughter P. Srimathi, son P.Mohankumar and wife S. Bharathi that they belong to Kurumans (ST) community, based upon the community certificate already issued to the petitioner and his relatives.

For petitioner Mr. S. Duraisamy

For respondent Mr. R. Rajeswaran
Special Government Pleader

ORDER

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

Mr. R. Rajeswaran, learned Special Government Pleader, accepts notice for the respondent. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal, at the admission stage itself.

2 The case of the petitioner is that he belongs to Kurumans community, which is a Scheduled Tribe community. He obtained a community certificate to that effect on 26.02.1996 from the Revenue Divisional Officer, Dharmapuri. While so, he made an application on 30.11.2011 to the respondent, seeking issuance of community certificate to his daughter and son, viz., P. Srimathi and P.Mohankumar respectively and his wife, viz., S. Bharathi. After receipt of the said application, an enquiry was made and the

petitioner was also directed to appear with the relevant documents. Without examining the relevant documents, the respondent, by proceedings dated 23.01.2015, declined to issue community certificate as sought by the petitioner, observing that his children belong to some other community, inasmuch as in their birth register, their community was recorded as Kurumbar. The respondent had fully ignored the community certificate issued to the petitioner and his close relative N. Chinnasamy, whose community status has been confirmed by the State Level Scrutiny Committee vide Proceedings No.8966/CVIII/2012 dated 31.10.2013. As such, this is a clear case of non-application of mind.

3 We have been repeatedly observing that a community comprises the members of the family and also, members of the same group or tribe or caste and that the children derive their community from their parents. If the father has been granted community certificate, without any further verification, his children, are entitled to the said certificate.

4 In the case on hand, the respondent, who is the competent authority, has rightly referred the matter in respect of certificate granted to the petitioner to the State Level Scrutiny Committee for further verification on genuineness of the community certificate. On a perusal of the impugned proceedings, we find that the petitioner's application for grant of community certificate to his children and wife is not finally disposed of, but, kept pending awaiting decision of the State Level Scrutiny Committee in respect of genuineness of the community certificate issued in favour of the petitioner himself. In that view of the matter, we do not find any error on the part of the respondent in taking such a decision. However, we expect that the State Level Scrutiny Committee as well as the respondent shall take up the matter expeditiously and take a decision on merits and in accordance with law, as early as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order.

5 With the above observation, the writ petition stands disposed of. Costs made easy.

s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+ 1 cc to M/s.S.Doraisamy, Advocate SR 36706

+ 1 cc to Govt.Pleader SR 36879

sai(co)
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