

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.22426 of 2015 and M.P. No.1 of 2015

K. Gokul Chandran

Petitioner

Vs.

1 The District Collector
District Collector Office
Singaravelar Maaligai, Chennai 600 001

2 The Personal Assistant to the
District Collector of Chennai
Chennai 600 001

3 The District Revenue Officer
Triplicane Taluk
Triplicane
Chennai 600 005

4 The Tahsildar
Triplicane Taluk
Triplicane, Chennai 600 005

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to dispose of the petitioner's application dated 24.12.2014 pertaining to the issuance of S.T. Hindu Kurumans community certificate to the petitioner's children viz., G. Thirumurugan and G. Bhuvaneshwaran.

For petitioner Mr. P. Murali

For respondents Mr. R. Rajeswaran

Special Government Pleader

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ORDER

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

2 This writ petition is filed seeking a mandamus directing the second respondent to dispose of the petitioner's application dated 24.12.2014 pertaining to the issuance of Hindu Kurumans (S.T.) community certificate to the petitioner's children viz., G. Thirumurugan and G. Bhuvaneshwaran.

3 The petitioner, claiming that he belongs to Kurumans (S.T.) community, has made an application on 24.12.2014 to the second respondent, seeking issuance of such community certificate to his sons viz., G. Thirumurugan and G. Bhuvaneshwaran. Since no orders have been passed on the said application, he has come up with the instant writ petition seeking the aforestated relief.

4 From a perusal of the petitioner's application dated 24.12.2014, it is manifest that in support of his claim that he belongs to Kurumans (S.T.) community, he has annexed therewith, copies of his community certificate and transfer certificate issued by the school where he did his X standard.

5 By this petition, the petitioner is seeking a direction to the authority concerned to consider his application and issue community certificate to his sons accordingly. 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 petitioner has been issued with community certificate to the effect that he belongs to Kurumans (S.T.) community, as a natural corollary, his sons are also entitled to get such community status and we are at a loss to understand as to why the petitioner's application dated 24.12.2014 has been kept pending for more than 6 months, contrary to the direction of the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹ and several other decisions.

6 Needless to state that if any doubt crops up in the mind of the competent authority qua the genuineness of the community certificate issued to the petitioner while considering his application for grant of the same certificate for his sons, the only course open to the competent authority is to refer the same to the State Level Scrutiny Committee, but, not to take a contrary stand by dis-crediting the same. The said community certificate is subject to

¹ (1994) 6 SCC 241

further verification by the State Level Scrutiny Committee. In other words, if the competent authority has any doubt about the genuineness of the community certificate issued to the petitioner, he has no competence to ignore the same, unless the same is set aside or modified by the higher authority, i.e., the State Level Scrutiny Committee and he can only refer the matter to the State Level Scrutiny Committee.

7 In view of the foregoing, we direct the authority concerned to consider and pass orders on the petitioner's application dated 24.12.2014 on merits and in accordance with law, after conducting enquiry as per the guidelines laid down by the Supreme Court in Kumari Madhuri Patil (supra). The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8 The writ petition stands disposed of accordingly. No costs. Connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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+1 cc to Mr.P.Murali Advocate sr.37816

W.P. No.22426 of 2015

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