

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM:

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

W.P. No.22815 of 2015

C. Murugesan

Petitioner

Vs.

1 The District Collector
Dharmapuri District
Dharmapuri

2 The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to pass orders on the application / representation dated 20.09.2010 submitted by the petitioner and to issue Kurumans Scheduled Tribe community certificate in favour of his children M. Chithan, M. Chitharaj and M.Kumutha, within a time-frame.

For petitioner Mr. G. Sankaran

For respondent Mr. R. Rajeswaran
Special Government Pleader

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 respondents to pass orders on the application / representation dated 20th September 2010 submitted by the petitioner and to issue Kurumans Scheduled Tribe community certificate in favour of his children, viz., M. Chithan, M. Chitharaj and M.Kumutha, within a time-frame.

3 The petitioner, claiming that he belongs to Kurumans (S.T.) community, has made an application on 20th September 2010 to

the first respondent, seeking issuance of such community certificate to his aforesaid sons and daughter. 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 20th September 2010, it is seen that in support of his claim that he belongs to Kurumans (S.T.) community, he has annexed therewith, copies of community certificate of his paternal uncle's sons, viz., P.Kumar, P. Gnanakumar and P. Sathivel and his paternal uncle's daughter, viz., P. Sathia. It is also pertinent to note that the community status of the aforesaid P. Kumar has been confirmed by the State Level Scrutiny Committee vide proceedings no.9280/CVIII/2014 dated 04.02.2015.

5 By this petition, the petitioner is seeking a direction to the respondent to consider his application and issue community certificate to his daughter and 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. As such, in the case on hand, the copies of community certificate of his relatives, relied on by the petitioner, do have a probative value and we are at a loss to understand as to why the authorities have sat over the petitioner's application dated 20th September, 2010 for nearly five years, contrary to the direction of the Supreme Court in *Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others*¹ 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 certificates relied on by the petitioner while considering his application for grant of the same certificate for his children, 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 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's relatives, 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 20th September, 2010 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

1 (1994) 6 SCC 241

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. Costs made easy.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cad

To

1 The District Collector
Dharmapuri District
Dharmapuri

2 The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

1 cc to M/s. G. Sankaran, Advocate, sr.39353

1 cc to Government Pleader, Sr. 38921

W.P. No.22815 of 2015

BR (CO)
kk 7/8

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