

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.7.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

and

The Honourable Mr.Justice T.MATHIVANAN

Writ Petition No.23203 of 2015

V.Mohinder

...Petitioner

Vs.

The Revenue Divisional Officer,
Tiruthani, Tiruvallur District.

...Respondent

PETITION under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to issue permanent community certificate to the petitioner's son M.Mithun that he belongs to Hindu Kattunayakan community, which is classified as a scheduled tribe, based upon the community certificate already possessed by the petitioner, his father and his brothers that they belong to Hindu Kattunayakan community.

For Petitioner : Mr.V.Sivalingam for Mr.B.Balavijayan
For Respondent : Mr.R.Rajeswaran, SGP

Order of the Court was made by V.RAMASUBRAMANIAN, J

The petitioner has come up with the above writ petition seeking the issue of a Writ of Mandamus to direct the respondent to issue a community certificate to his son to the effect that he belongs to Hindu Kattunayakan community, which is classified as a scheduled tribe.

2. Heard Mr.V.Sivalingam, learned counsel for the petitioner. Mr.R. Rajeswaran, learned Special Government Pleader takes notice for the respondent.

3. The petitioner is the son of one Mr.G.Vijayan. The said G.Vijayan has already been issued with a community certificate that he belongs to Hindu Kattunayakan community, vide certificate dated 10.7.1975. His certificate was sent for verification and the Revenue Divisional Officer concerned confirmed, by his proceedings in Pa.Mu.9294/85 dated 22.12.1986 that the said G.Vijayan belonged to Kattunayakan community.

4. Thereafter, the District Collector also addressed a communication dated 19.8.1988 to the Deputy Secretary to Government, Adi Dravidar and Tribal Welfare Department confirming that the petitioner's father G.Vijayan belonged to Hindu Kattunayakan community.

5. Thereafter, the petitioner himself was issued with a community certificate by the Sub-Collector, Cuddalore on 4.3.1996. However, when the respondent refused to issue a community certificate to another brother of the petitioner by name V.Manikandan, the petitioner's father came up with a writ petition in W.P.No.25540 of 2013. This writ petition was allowed by this Court by an order dated 10.10.2013. Thereafter, the petitioner's brother Manikandan was also issued with a community certificate on 14.12.2013.

6. The petitioner then filed an application for the issue of a community certificate to his own son. But, that was not processed, forcing him to come up with the above writ petition.

7. It may be seen from the facts recorded above that the petitioner's father not only had a community certificate issued way back in 1975, but also got his status confirmed in the enquiries conducted by the Revenue Divisional Officer concerned in the year 1984 and by the Collector in the year 1988. Consequently, the petitioner and one of his brothers got community certificates issued in 1996. When the younger brother of the petitioner was not issued with a community certificate, the petitioner's father came to court and obtained an order. Thus, the petitioner, his two brothers and his father have community certificates to the effect that they belong to Hindu Kattunayakan community. In such circumstances, the respondent owes a duty to process the application of the petitioner with regard to his son and pass appropriate orders at the earliest.

8. Accordingly, the writ petition is ordered directing the respondent to pass orders on the application of the petitioner within a period of four weeks. No costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

The Revenue Divisional Officer, Tiruthani, Tiruvallur District.

+ 1 cc to M/s.B.Balavijayan, Advocate SR 39501

+ 1 cc to the Govt.Pleader High Court, Madras SR 39463

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W.P.No.23203 of 2015