

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.23464 of 2015

P. Madhaiyan

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 mandamus directing the respondent to issue community certificate to the petitioner's daughter and son by name Minor M.S. Vinantika and Minor M.S. Deepakranjan respectively, that they belong to Kurumans Scheduled Tribes community, based on the Scheduled Tribe community certificate issued in favour of the petitioner and his wife (parents), within a time-frame.

For petitioner Mr. G. Sankaran
For respondent Mr. N. Sakthivel
Government Advocate

ORDER

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

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondent. 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 respondent to issue community certificate to the petitioner's daughter and son by name Minor M.S. Vinantika and Minor M.S. Deepakranjan respectively, that they belong to Kurumans Scheduled Tribes community, based on the Scheduled Tribe community certificate issued in favour of the petitioner and his wife, within a time-frame.

3 The petitioner, claiming that he belongs to Kurumans (S.T.) community, has made an application on 5th June, 2015, to the respondent, seeking issuance of such community certificate to his daughter and son by name Minor M.S. Vinantika and Minor M.S. Deepakranjan respectively. 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 5th June, 2015, it is manifest that in support of his claim that he and his wife belong to Kurumans (S.T.) community, he has annexed therewith, copies of community certificate issued to them.

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 son by name Minor M.S.Vinantika and Minor M.S. Deepakranjan respectively, 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 and his wife have been issued with community certificate to the effect that they belong to Kurumans (S.T.) community, as a natural corollary, their children are also entitled to get such community status.

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 and his wife while considering the petitioner's 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 and his wife, he has no competence to ignore the same, unless the same are 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 respondent to consider and pass orders on the petitioner's application dated 5th June 2015, on merits and in accordance with law, after conducting enquiry as per the guidelines laid down by the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹.

8 The writ petition stands disposed of accordingly. Costs made easy.
cad

s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

1 (1994) 6 SCC 241

To

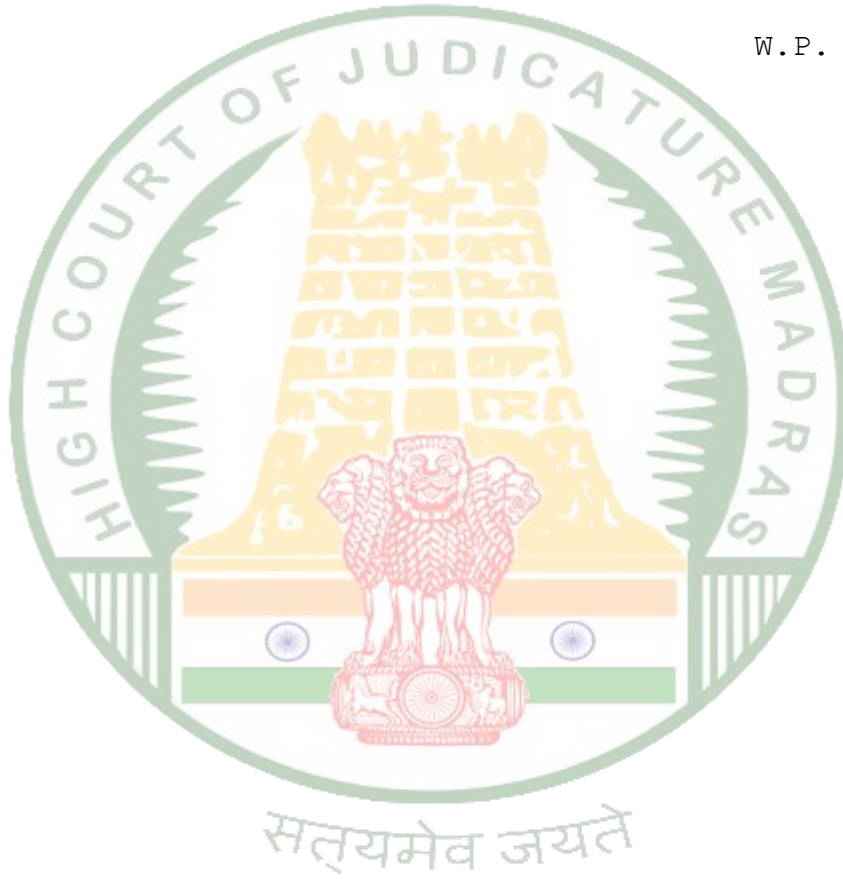
The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+ 1 cc to M/s.G.Sankaran, Advocate SR 40475

+ 1 cc to Govt.Pleader, High Court, Madraas SR 39959

rsk(co)
prk7/8

W.P. No.23464 of 2015



WEB COPY