

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. SAGNIHOTRI

and

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No.23591 of 2015

N. Ravichandran

Petitioner

Vs.

1. The Revenue Divisional Officer
Dharmapuri,
Dharmapuri District.
2. The Chairman,
Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009. Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to issue "Kurumans" Scheduled Tribe certificates to the petitioner immediately.

For petitioner Mr. M. Radhakrishnan

For respondents Mr. N. Sakthivel
Government Advocate

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ORDER

Mr. N. Sakthivel, learned Government Advocate, 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. The petitioner, claiming that she belongs to Kurumans (ST) community, has made an application on 14.08.2014 to the first respondent seeking issuance of such community certificate to him. Since no orders have been passed on the said application, the petitioner has come up with the instant writ petition seeking the aforestated relief.

3. From a perusal of materials available on record, it is seen that the State Level Scrutiny Committee has confirmed that the petitioner's paternal uncle's daughter by name K. Devi and petitioner's another paternal uncle's son by name S. Kaviarasan, belong to Kurumans (ST) community vide Proceedings No. 22254/CVIII/2005, dated 28.04.2008 and proceedings No.13544/CVIII/2006 dated 27.03.2014, respectively.

4. 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, it appears that the petitioner has enclosed along with the application duly verified authenticated community certificates issued in favour of his paternal uncle's daughter and the other paternal uncle's son. Accordingly, the competent officer, i.e., the first respondent is directed to examine the application on its own merit, after conducting proper enquiry. The aforestated documents may not be final and conclusive, but have a strong probative value. The petitioner has to establish the relationship with them. Thereafter, a decision has to be taken accordingly.

5. In view of the above backdrop, we direct the first respondent to consider the petitioner's application dated 14.08.2014, hold proper enquiry and examine all the documents/certificates produced by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition stands disposed of with the above direction. Costs made easy.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer
Dharmapuri,
Dharmapuri District.
2. The Chairman,
Tamil Nadu state Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.

+1cc to Government Pleader, S.R.No.40242.

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srg 19.08.2015



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