

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

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

W.P. No.25289 of 2015

R. Neha

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 pass orders on the petitioner's application dated 11th June 2015 for the issuance of community certificate to the petitioner and her children viz., M. Aakash and M. Aarthi that they belong to Kurichchan (ST) community based upon the community certificate already issued to the petitioner's maternal uncle M. Sivakumar.

For petitioner Mr. S. Doraisamy

For respondent Mr. N. Sakthivel
Government Advocate

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondent to pass orders on the petitioner's application dated 11th June 2015 for issuance of community certificate to the petitioner and her children viz., M.Aakash and M.Aarthi that they belong to Kurichchan (ST) community, based on the community certificate already issued to the petitioner's maternal uncle M.Sivakumar.

3 The petitioner, claiming that she belongs to Kurichchan (S.T.) community, has made an application on 11th June 2015 to the respondent, seeking issuance of such community certificate to herself and her children M.Aakash and M.Aarthi. Since no orders have been passed on the said application, she has come up with the instant writ petition, seeking the aforestated relief.

4 From a perusal of the petitioner's application dated 11th June 2015, it is manifest that in support of her claim that she belongs to Kurichchan (S.T.) community, she has annexed therewith, copies of her Transfer Certificate and the community certificate of her maternal uncle by name M. Sivakumar, besides certain other documents.

5 By this petition, the petitioner is seeking a direction to the respondent to consider her aforestated application and issue community certificate to her and her sons accordingly.

6 Given the fact that the petitioner's application dated 11th June 2015 has been kept pending without any action thereon, we direct the respondent to consider and pass orders on the same, on its own 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. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7 The writ petition stands disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

cad
To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+1 cc to Mr.S.Doraisamy, Advocate, sr.43501
+1 cc to The Government Pleader, sr.43571

W.P. No.25289 of 2015

jp(co)
kra(26/08)

1 (1994) 6 SCC 241