IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 5.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. Nos.25768 and 25769 of 2015

W.P.No.25768/2015

G. Sasikala ...Petitioner

versus

Revenue Divisional Officer,
Dharmapuri ...Respondent

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus Calling for the records relating to the order of rejection passed in proceedings in Na.Ka. 5781/2014 A4 dated 05.11.2014 on the file of the respondent quash the same and direct the respondent to issue community certificate to the petitioner that she belongs to kurichchan (ST) community based upon the community certificate already issued to the petitioners own sister and other close blood relatives of the petitioner.

W.P.No.25769/2015

Tmt. G. Kanchana ...Petitioner

Vs

Revenue Divisional Officer,
Dharmapuri ...Respondent

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the order of rejection passed in proceedings in Na.Ka. 5782/2014 A4 dated 05.11.2014 on the file of the respondent quash the same and direct the respondent to issue community certificate to the petitioners sons 1. R. Ganeshmurthy and 2. R. Vignesh that they belong to kurichchan (ST) community based upon the community certificate already issued to the petitioners own sister and other close blood relatives of the petitioner.

For petitioner : Mr.S.Doraisamy

For Respondents : Mr.N.Sakthivel, Government Advocate

COMMON ORDER
(made by K.K.SASIDHARAN, J.)

These two Writ Petitions are directed against the orders in Na.Ka.No.5781/2014 and 5782/2014 A4, dated 5 November 2014, whereby and whereunder, Revenue Divisional Officer, Dharmapuri, rejected the applications submitted by the petitioners for issuance of community certificates to the petitioner in W.P.No.25768/2015 and the children of the petitioner in W.P.No.25769 of 2015.

W.P.No.25768/2015 :-

2. The petitioner submitted an application for community certificate. In order to show that she belongs to Kurichchan community, certificate obtained by her sister G.Santhi, was produced along with other documents. Revenue Divisional Officer without adverting to the certificate issued in favour of the sister of the petitioner, rejected her application.

W.P.No.25769 of 2015 :-

3. The petitioner, claiming that she belongs to Kurichchan community, submitted an application for issuance of community certificate to her children by name R.Ganesamurthi and R.Vignesh. Before the Revenue Divisional Officer, the petitioner contended that her sister by name G.Santhi was issued with a Community Certificate on 15 July 1996 and as such, her children also are entitled to the social status certificate. The application was rejected by the Revenue Divisional Officer.

4. Feeling aggrieved, the petitioners are before this Court.

5. The Revenue Divisional Officer filed separate counter affidavits wherein it was contended that the respective petitioners have not produced any acceptable documents to prove that they are entitled to the social status certificate, treating them as schedule tribe.

6. The learned counsel for the petitioners contended that none of the documents produced by the petitioners were considered by the Revenue Divisional Officer before passing the impugned orders of rejection. According to the learned counsel, community certificate obtained by Ms.G.Santhi, though produced

by the petitioners, was discarded by the respondent. The learned counsel further contended that applications were rejected mechanically without adverting to any of the documents or evidence produced by the petitioners.

7. The learned Government Pleader submitted that reference was made to the certificate issued in favour of G.Santhi by Revenue Divisional Officer while rejecting the applications.

8. The only question that arises for consideration is whether the Revenue Divisional Officer, Dharmapuri, was correct in rejecting the applications without adverting to the documents produced by the concerned petitioners.

9. The petitioners have produced community certificate issued to Thiru.L.Senthilkumar stated to be their uncle. Similarly, they have produced the certificate issued to G.Santhi, on 15 July 1996. However, those certificates were not considered by the Revenue Divisional Officer.

10. The impugned orders contain a reference about the community certificate issued in favour of Ms.G.Santhi on 15 July 1996. The Revenue Divisional Officer while rejecting the application has not made any reference or disputed the correctness of the said certificate. Since the petitioners have claimed close relationship with Ms.G.Santhi, community status certificate issued in favour of her should have been referred to, before rejecting the applications. In case the Revenue Divisional Officer was of the view that the certificate obtained by Ms.G.Santhi is not genuine, or it is a fraudulent certificate, he should have referred the matter to the State Level Scrutiny Committee. Such a course was not adopted by him. We do not appreciate the manner in which the applications were disposed of by the Revenue Divisional Officer. The Revenue Divisional Officer adopted a shortcut method of disposal of applications by not adverting to the community certificate issued in favour of close relatives. We are therefore of the view that the matter requires fresh consideration.

11. In the result, the impugned orders dated 5 November 2014 are set aside and the matter is remitted to the respondent for fresh consideration.

12. The Revenue Divisional Officer is directed to consider the applications submitted by the respective petitioners in the light of the documents produced by them and pass fresh orders on merits and as per law. We make it clear that we have not expressed any opinion with regard to the correctness or genuineness of the documents produced by the petitioners and it is for the respondent to consider those documents and arrive at

a decision.

13. The Writ Petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

tar

To

The Revenue Divisional Officer,
Dharmapuri.

2 CCs to Mr.S.Doraisamy, Advocate SR.No. 53977 & 53978

1 CC to the Government Pleader, SR.No. 54261 & 54262

W.P. No.25768 & 25769 of 2015

AD (CO)
PSI (28.10.2015)