

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE V.DHANAPALAN
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.2579 and 2580 of 2015

M.Sangeetha .. Petitioner in W.P.No.2579 of 2015
M.Deepa .. Petitioner in W.P.No.2580 of 2015
Vs.
The Revenue Divisional Officer,
Harur,
Dharmapuri District. ... Respondent in both the Writ Petitions

Writ Petition No.2579 of 2015 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's application dated 24.09.2014 for issuance of ST Community Certificate, by taking into account the Community Certificate issued to her brother in No.355028, dated 02.07.2014 by the respondent, within a reasonable time to be fixed by this Court.

Writ Petition No.2580 of 2015 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's application dated 24.09.2014 for issuance of ST Community Certificate, by taking into account the Community Certificate issued to her brother in No.355028, dated 02.07.2014 by the respondent, within a reasonable time to be fixed by this Court.

For petitioners : Mr.R.Neelakandan for Mr.P.Rajavel
For respondent : Mr.R.Ravichandran, Addl.G.P.

ORDER

(The Order of the Court was made by V.Dhanapalan,J)

Heard Mr.R.Neelakandan, learned counsel appearing for Mr.P.Rajavel, learned counsel for the petitioners and Mr.R.Ravichandran, learned Additional Government Pleader appearing for the respondent.

2. These Writ Petitions are filed by the petitioners for a direction to the respondent to consider the petitioners' applications, dated 24.09.2014 for issuance of ST Community Certificate, by taking into account the Community Certificate issued to their brother in No.355028, dated 02.07.2014 by the respondent, within a reasonable time to be fixed by this Court.

3. It is the claim of the petitioners that their father viz., Mani belongs to Hindu-Vanniar Community coming under the Most Backward Class (MBC) and their mother Dhanalakshmi belongs to Hindu-Malayali Community coming under the Scheduled Tribe (ST). Their parents got married on 02.03.1987 as per the custom and practice being followed by Malayali Community in which their mother is attached to. They have been following the customary practice being followed in their mother Community of Malayali. As per the Government Letter in Letter No.66072/A.Na.1678-13, dated 14.02.1980, children born to the parents of different communities, could follow either the community of the father or the community of the mother and they would be treated as the person belonging to the said community. Since the petitioners are following their mother's community of Malayali coming under the ST category, they claim that they are entitled to get ST Community Certificate. It is their further case that during the month of July 2014, their brother Prabakaran applied to the respondent for Community Certificate and by considering the same, with the enclosed affidavit sworn to by their parents, the respondent issued the ST Community Certificate No.355028, dated 02.07.2014 and hence, it is the case of the petitioners that they are also entitled to get the ST Community Certificate, for which, they applied to the respondent on 24.09.2014, who is the competent authority to issue the ST Community Certificates and they have also enclosed the sworn affidavit of their parents as was enclosed by their brother as stated above. Since the said applications of the petitioners are pending consideration by the respondent, they have filed the present Writ Petitions for the relief stated above.

4. The learned Additional Government Pleader appearing for the respondent submitted that the applications of the petitioners may be directed to be disposed of in accordance with law, on giving opportunity to the parties concerned, including the petitioners, within a reasonable time that may be fixed by this Court.

5. In view of the limited relief sought for by the petitioners and having regard to the facts and circumstances of the case and the submissions made by the learned counsel appearing for the parties as to the consideration of the petitioners' applications, dated 24.09.2014, without adverting into the merits of the case, the respondent is directed to consider the said applications of the petitioners, dated 24.09.2014 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, after affording an opportunity of hearing to the petitioners and all other parties concerned and also on verification of the entire materials available on record. The Writ Petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cs

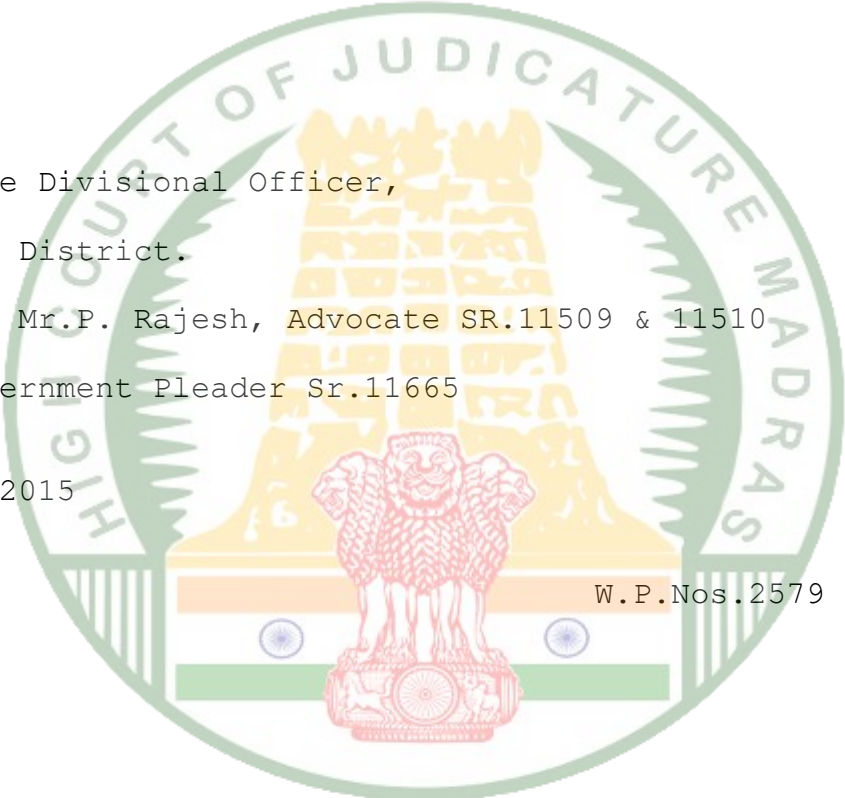
Copy to
The Revenue Divisional Officer,
Harur,
Dharmapuri District.

+ 2 ccs to Mr.P. Rajesh, Advocate SR.11509 & 11510

+ 1 cc Government Pleader Sr.11665

RJ(CO)
EU 21.03.2015

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