

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2015

CORAM:

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

W.P. No.26809 of 2015

S. Raman

... 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 and his daughters by name Minor R. Haritha Sabarieshwari and Minor R. Savitha Sabarieswari respectively that they belong to Kurumans Scheduled Tribes Community based on the Scheduled Tribe Community Certificate issued in favour of the petitioner's wife, within a time frame.

For petitioner : Mr.G. Sankaran

For respondent : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, 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. The petitioner, claiming that he belongs to Kurumans (ST) community, has made an application on 03.07.2015 to the respondent seeking issuance of such community certificate to him and his

daughters by name Minor R. Haritha Sabarieshwari and Minor R. Savitha Sabarieswarisons. 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 petitioner's wife has been issued with Kuruman ST Community Certificate. Further, the State Level Scrutiny Committee has also confirmed that the petitioner's wife's sister by name S.Vijayakumari, D/o Thiru P.K.Sivalingam and the petitioner's own brother by name S.Bangaru, S/o Thiru Sivalingam, belong to Kurumans (ST) Community vide proceedings No.4181/CVIII/2013, dated 31.10.2013 and No.11222/XVIII/2014, dated 06.03.2015 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, when the community status of the petitioner's brother by name S.Bangaru and his wife's sister by name S. Vijayakumari have been confirmed by the State Level Scrutiny Committee, as aforestated, we find no reason as to why community certificate to the effect that the petitioner and his daughters belong to Kurumans (ST) community be denied to him.

5. In view of the above backdrop, we direct the first respondent to consider the petitioner's application dated 03.07.2015, hold proper enquiry and examine the documents/certificates qua his blood relatives produced by him, which have probative value 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 IV)

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Sub Assistant Registrar

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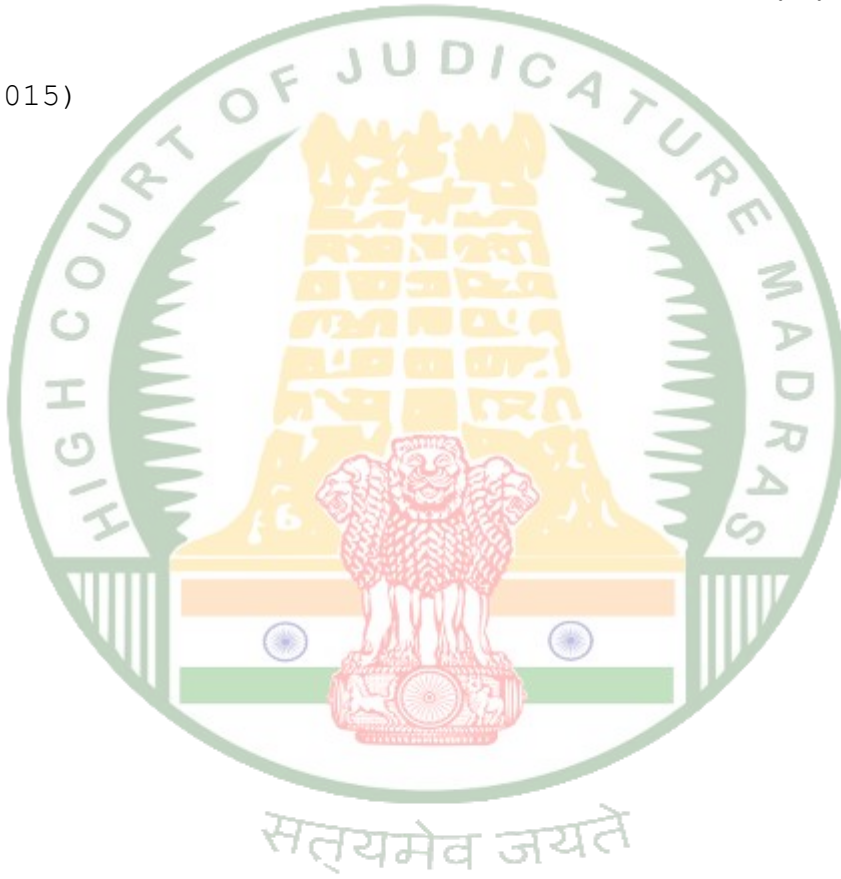
To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+1cc to M/s.G.Sankaran, Advocate, S.R.No.46167
+1cc to the Government Pleader, S.R.No.46273

W.P. No.26809 of 2015

ALA (CO)
CA(02/09/2015)



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