

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.26854 of 2015

A.Madhuraj .. 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 certiorarified mandamus calling for the records relating to the order of rejection passed proceedings in Na.Ka.3960/2015/A4 dated 17.7.2015 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner's sons daughter and grandchildren viz., 1) M.Madhesh, 2) M.Balaji, 3) M.Saritha, 4) Mounish and 5) M.S.Hemnath that they belong to Kurichchan (ST) community.

For Petitioner .. Mr.S.Doraisamy

For Respondent .. Mrs.A.Srijayanthi
Spl. Government Pleader

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ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

Mrs.A.Srijayanthi, 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 final disposal, at the admission stage itself.

2 Calling in question, the justifiability of the order dated 17 July 2015, whereunder, the petitioner's application for

grant of ***Kurichchan** (S.T.) community certificate to his children and grandchildren, was rejected and also seeking a direction to the respondent to issue such certificate to his children and grandchildren, the petitioner has come up with this writ petition.

3 The case of the petitioner is that while rejecting his application, the authorities have not considered several relevant aspects and the enquiry was not conducted in a transparent manner and also no opportunity was given to him. Further, authorities have not adverted to the cultural report and other documents, which were filed. Such process is mandatory. Thus, the impugned order may be set aside and the matter be remitted back to the respondent / Revenue Divisional Officer to consider his application afresh, following the guidelines laid down by the Supreme Court in *Kumari Madhuri Patil and another Vs. Additional Commissioner, Tribal Development and others*¹ and also taking into consideration, the materials submitted by him in support of his claim.

4 The learned Special Government Pleader appearing for the respondent fairly submits that the impugned order lacks in all aspects as it does not disclose the manner in which, the enquiry was conducted and the basis on which, the decision was taken.

5 We have examined the pleadings and also the submissions made by the learned counsel for the parties.

6 We are of the view that the rejection order does not advert to the relevant documents while rejecting the petitioner's application. Thus, the impugned order is set aside and the matter is remitted back to the respondent / Revenue Divisional Officer, Dharmapuri District to consider the petitioner's application and pass a fresh order in accordance with law, following the guidelines laid down by the High Court in *G.Venkitasamy Vs. The Chairman, State Level Scrutiny Committee and Secretary to Government, Adi Dravidar and Tribal Welfare Department, Fort St. George, Chennai-600 009*², taking into consideration the materials submitted by the petitioner in support of his claim. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

1 (1994) 6 SCC 241

2 W.P.Nos.30368 and 31973 of 2015, dt.21.12.2015

7 The writ petition stands disposed of with the above observation and direction. Cost made easy. Connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS IV)

Dated 05.01.2016

**corrected (Amended) as per
order dated 21.01.2016 by
SKAJ & PDSJ in WP No.26854/2015
Sd/- Assistant Registrar CO
Dated: 03.02.2016**

True Copy

Sub-Assistant Registrar

ra/vvk

To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

To be Substitute to
the order already
despatched on
07.01.2016

+1 cc to Government pleader sr.69260

+1 cc to M/S.S.Doraisamy Advocate sr.68924

W.P.No.26854 of 2015

sai(co)
aa05/01/2016
kra 05.02.2016

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