

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

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

W.P. No.27003 of 2015

P. Sidhuraji

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 25.09.2013 for the issuance of community certificate to the petitioner's sons viz., 1. S. Gunasekaran, 2. S. Venkatesan and S. Narasimman that they belong to Kurumans (ST) community based upon the community certificate already issued to the blood relatives of the petitioner.

For petitioner Mr. S. Doraisamy

For respondent Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(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 disposal, at the admission stage itself.

2 This writ petition is filed seeking a mandamus directing the respondent to pass orders on the petitioner's application dated 25th September 2013 for issuance of Kurumans (ST) community certificate to the petitioner's sons, viz., S. Gunasekaran, S. Venkatesan and S. Narasimman, based upon the community certificate already issued to the petitioner's blood relatives.

3 The petitioner, claiming to be belonging to Kurumans (S.T.) community, has made an application on 25th September 2013, to the respondent, seeking issuance of such community certificate to his sons by name S. Gunasekaran, S.Venkatesan and S. Narasimman. Since no orders have been passed on the said application, he has come up with the instant writ petition seeking the aforestated relief.

4 From a perusal of records, it is manifest that in support of his claim that he belongs to Kurumans (S.T.) community, the petitioner has enclosed with his application dated 25th September 2013, copies of community certificate of his father's brother's sons, viz., Kaviarasan and Krishnaraji.

5 By this petition, the petitioner is seeking a direction to the respondent to consider his application and issue community certificate to his sons S. Gunasekaran, S.Venkatesan and S. Narasimman, accordingly. 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 petitioner's paternal cousins have been issued with community certificates to that effect, such certificates do have a high probative value. However, it is well within the power of the competent officer concerned to examine the relationship of the said persons with the applicant.

6 In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 25th September 2013, on 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 six weeks from the date of receipt of a copy of this order.

7 The writ petition stands disposed of accordingly. Costs made easy.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

1 (1994) 6 SCC 241

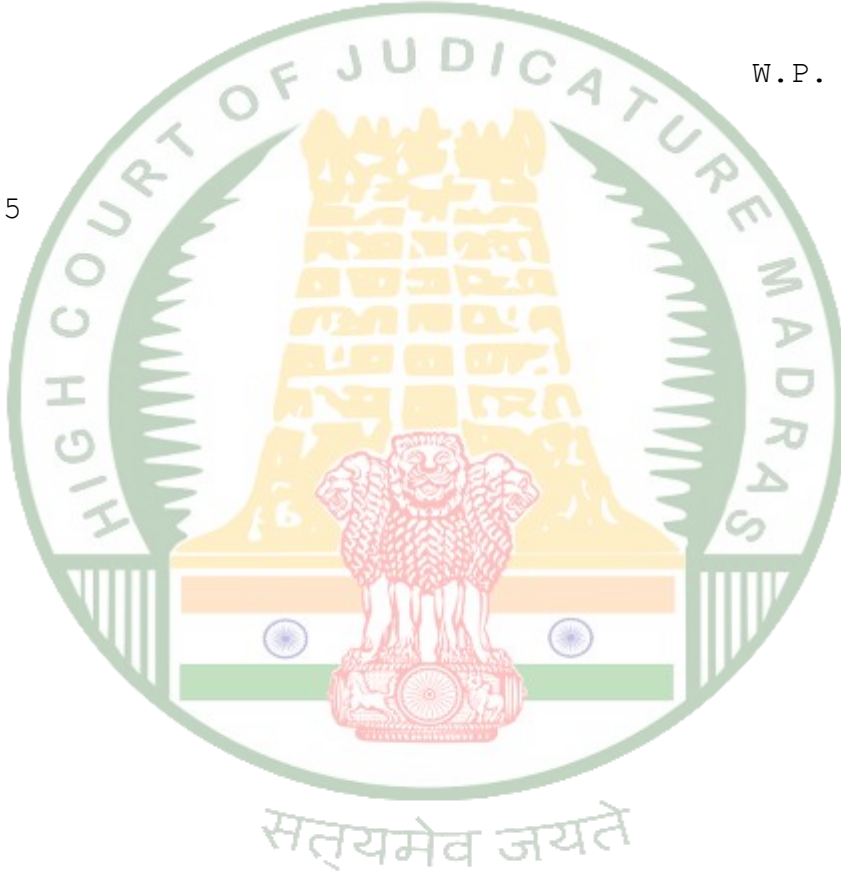
To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+ 1 cc to Mr.S. Doraisamy, Advocate Sr.46134
+ 1 cc to Government Pleader Sr.46228

W.P. No.27003 of 2015

RJ(CO)
Eu 03.09.15



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