

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

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

W.P. No.27155 of 2015

T.K. Kariyappan

Petitioner

Vs.

1 The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

2 The Chairman
Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Secretariat
Chennai 600 009

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to hold proper enquiry, examine the proceedings of respondent no.2-Committee dated 28.04.2008 and 27.03.2014 relating to the blood relatives of the petitioner, viz., K. Devi and S. Kaviarasan and decide the application of the petitioner dated 23.06.2014 for issuance of ST community certificates to the petitioner and his sons, viz., Kirubanandhan and Mahendiran.

For petitioner

Mr. M. Radhakrishnan

For respondents

Mr. N. Sakthivel,
Government Advocate

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondents. 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 writ of mandamus directing the first respondent to hold proper enquiry, examine the proceedings dated 28th April 2008 and 27th March 2014 of the second respondent-Committee relating to the petitioner's blood relatives, viz., K. Devi and S. Kaviarasan and decide the petitioner's application dated 23rd June 2014 for issuance of Kurumans (ST) community certificate to him and his sons, viz., Kirubanandhan and Mahendiran, within a reasonable time.

3 The petitioner, claiming to be belonging to Kurumans (S.T.) community, has made an application on 23rd June 2014 to the first respondent, seeking issuance of such community certificate to him and his sons viz., Kirubanandhan and Mahendiran. 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 23rd June 2014, a copy of the proceedings of the State Level Scrutiny Committee dated 27th March 2014, confirming the status of his father's brother's son by name S. Kaviarasan, besides certain other documents.

5 By this petition, the petitioner is seeking a direction to the first respondent to consider his application and issue community certificate to him and his sons, viz., Kirubanandhan and Mahendiran, 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 community status of the petitioner's paternal cousin has been confirmed by the State Level Scrutiny Committee vide proceedings dated 27th March 2014, the said proceedings does have a high probative value. However, it is well within the power of the competent officer concerned to examine the relationship of the said person with the applicant.

6 In view of the foregoing, we direct the first respondent to consider and pass orders on the petitioner's application dated 23rd June 2014, 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/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Revenue Divisional Officer
Dharmapuri
Dharmapuri District
- 2 The Chairman
Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Secretariat
Chennai 600 009

+1 cc to Mr.M.Radhakrishnan, Advocate, sr.46471

W.P. No.27155 of 2015

gj co
kra 15/09

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1 (1994) 6 SCC 241