

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

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

W.P. No.28611 of 2015

V. Munusamy

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Ranipet, Vellore District.

2. The Tahsildar,
Tahsildar Office,
Arakkonam Taluk,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to issue permanent community certificate to the petitioner's sons (1) M. Madhanraj (2) M. Sabarinathan (3) M. Nithyanandam that they belongs to Hindu Kattunayakan Community, which is classified as Scheduled Tribe based upon the community certificate already possessed by the petitioner that he belongs to Hindu Kattunayakan Community.

For petitioner : Mr.B. Balavijayan
For respondents : Mrs. A. Srijyanthi
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijyanthi, learned Special Government Pleader, 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 issue permanent community certificate to the petitioner's sons viz., (1) M.Madhanraj (2) M. Sabarinathan (3) M. Nithyanandam that they belong to Hindu Kattunayakan Community, which is classified as a Scheduled Tribe, based upon the community certificate already possessed by him to that effect.

3 It is submitted by the learned counsel for the petitioner that pursuant to the petitioner's application dated 29 September, 2013, there has been no response from the authority concerned. Thus, relying on the community certificate dated 10 November, 1987 issued by the Tahsildar, Arakkonam, to the petitioner, the petitioner submits that his sons are entitled to community certificate, as prayed for.

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 petitioner has been issued with community certificate to the effect that he belongs to Hindu Kattu Nayakan (S.T.) community, as a natural corollary, his sons are also entitled to get such community status.

5 We have observed in a catena of decisions that if any doubt crops up in the mind of the competent authority qua the genuineness of the community certificate issued to the father, while considering the father's application for grant of the same certificate for his sons, the only course open to the competent authority is to refer the same to the State Level Scrutiny Committee, but, not to take a contrary stand by dis-crediting the same. The said community certificate is subject to further verification by the State Level Scrutiny Committee. In other words, if the competent authority has any doubt about the genuineness of the community certificate issued to the father, he has no competence to wish away the same, unless the same is set aside or modified by the higher authority, i.e., the State Level Scrutiny Committee and he can only refer the matter to the State Level Scrutiny Committee. (See order dated 03 August 2015 rendered in W.P. Nos.23464 and 23468 of 2015).

6 In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 29 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, within a period of six weeks from the date of receipt of a copy of this order.

1 (1994) 6 SCC 241

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

-Sd/-
Assistant Registrar(co)

//True copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Ranipet,
Vellore District.
 2. The Tahsildar,
Tahsildar Office,
Arakkonam Taluk,
Vellore District.
- +1 cc to Mr.Balavijayan,Advocate(sr.50387)
+1 cc to GovernmentPleader, (sr.50491)

mg(co)
cp 30/09/2015

W.P. No.28611 of 2015

सत्यमेव जयते

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