

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2015

CORAM:

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

W.P. No.29265 of 2015

S. Manivannan

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 application of the petitioner dated 30.05.2014 for the issuance of community certificate to the petitioner's children viz. 1. M. Sripriya and 2. M. Veerapathiran that they belong to Kurumans (ST) Community based upon the enquiry conducted by the respondent on 16.05.2015 and the community certificate already issued to the close relatives of the petitioner.

For petitioner Mr. S. Doraisamy

For respondent Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(delivered 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 writ of mandamus directing the respondent to pass orders on the petitioner's application dated 30.05.2014 for issuance of Kurumans (ST) community certificate to his children, viz., M. Sripriya and M. Veerapathiran, based upon the community certificate already issued to his blood relatives.

3 The petitioner, claiming to be belonging to Kurumans (S.T.) community, has made an application on 30.05.2014, to the respondent, seeking issuance of such community certificate to his children. 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 30.05.2014, copies of his school certificate and community certificates of his blood relatives.

5 To our shock and surprise, despite the time schedule fixed by the Supreme Court, the authorities have not initiated any step till enquiry notice was issued on 13.05.2015, almost after one year from the date of the petitioner's application.

6 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, as averred by the petitioner, when his blood relatives have been issued with community certificates, such certificates do have a 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.

7 In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 30.05.2014, 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 four weeks from the date of receipt of a copy of this order.

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

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ra

1 (1994) 6 SCC 241

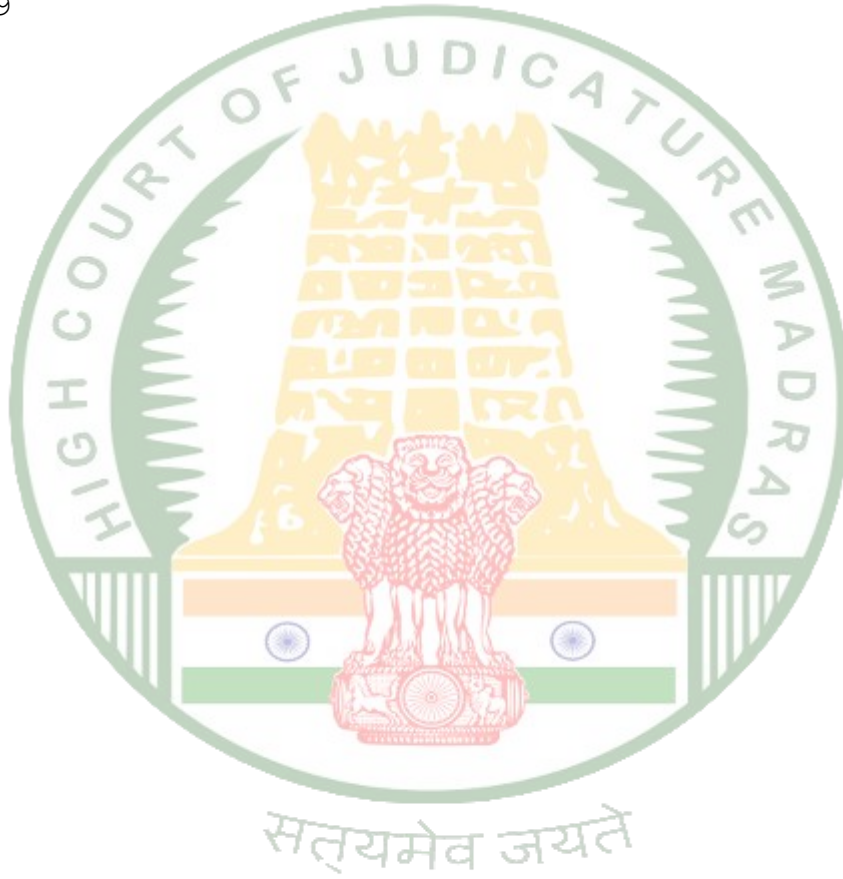
To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+1 cc to Mr.S.Doraisamy, Advocate, sr.56670
+1 cc to Government Pleader, sr.50794.

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