

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.29266 of 2015

M. Senthil

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 31.7.2015 for the issuance of Community Certificate to the petitioner, his wife Parimala and two children viz. 1) S.Varanapriya and 2) S.Meganathan that they belong to Kurumans (ST) Community based upon the Community Certificate already issued to the close relatives of the petitioner.

For petitioner Mr.S. Doraisamy

For respondent Mr.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. The petitioner, claiming to be belonging to Kurumans (ST) community, has made an application on 31 July 2015 to the respondent seeking issuance of such community certificate to him, his wife Parimala and two children viz., (i) S. Varanapriya and (ii) S. Meganathan. Since no orders have been passed on the said

application, the petitioner has come up with the instant writ petition seeking the aforestated relief.

3. According to the learned counsel for the petitioner, the petitioner's relative by name S. Bagyanathan has been issued with Kurumans (ST) Community Certificate. Further, the State Level Scrutiny Committee has also confirmed that the petitioner's mother-in-law's sister's son by name M. Adiyaman belongs to Kurumans (ST) Community vide proceedings No.11228/CVIII/2014, dated 01.12.2014 and as such, the petitioner, his wife and his children are also entitled to such a certificate.

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 community status of the petitioner's mother-in-law's sister's son by name M. Adiyaman has been confirmed by the State Level Scrutiny Committee, as aforestated, such certificate has a 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.

5 In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 31 July 2015, 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 eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

ra
To
The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.
+1 cc to Mr.S.Doraisamy, Advocate, sr.50671

svi co, kra 23/09

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1 (1994) 6 SCC 241