

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.29302 of 2015

S. Panchatcharam

... Petitioner

Vs.

The Revenue Divisional Officer
Thiruvannamalai,
Thiruvannamalai 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 17.07.2014 and reminder application dated 05.06.2015 for the issuance of community certificate to the petitioner, his wife Subha and two children viz., (i) P. Gopinath and (2) P. Dinesh Kumar that they belong to Kattunayakan (ST) community based upon the community certificate already issued to the petitioner's relative.

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 mandamus directing the respondent to pass orders on the petitioner's application dated 17.07.2014 and reminder application dated 05.06.2015 for the issuance of community certificate to the petitioner, his wife Subha and two children viz., (i) P.Gopinath and (2) P. Dinesh Kumar that they belong to Kattunayakan (ST) community based upon the community certificate already issued to the petitioner's relative.

3. The petitioner, claiming to be belonging to Kattunayakan (S.T.) community, has made an application on 17th July 2014 and the reminder application dated 5th June, 2015, to the respondent, seeking issuance of such community certificate to him, his wife and children. Since no orders have been passed on the said applications, he has come up with the instant writ petition seeking the aforestated relief.

4. According to the learned counsel for the petitioner, the petitioner's close relative has been issued with Kattunayakan (ST) Community Certificate and as such, the petitioner, his wife and his children are also entitled to such a certificate. Further, the Revenue Divisional Officer, vide his communication dated 21.07.2015, had directed the Tahsildar, Tiruvannamalai, to conduct enquiry and submit a report, endorsing a copy of the same to the petitioner and thereafter, the petitioner has no information about the enquiry.

5. 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 relative has been issued with community certificates to that effect, 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.

6. In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 17th July, 2014 and the reminder dated 5th June, 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.

¹ (1994) 6 SCC 241

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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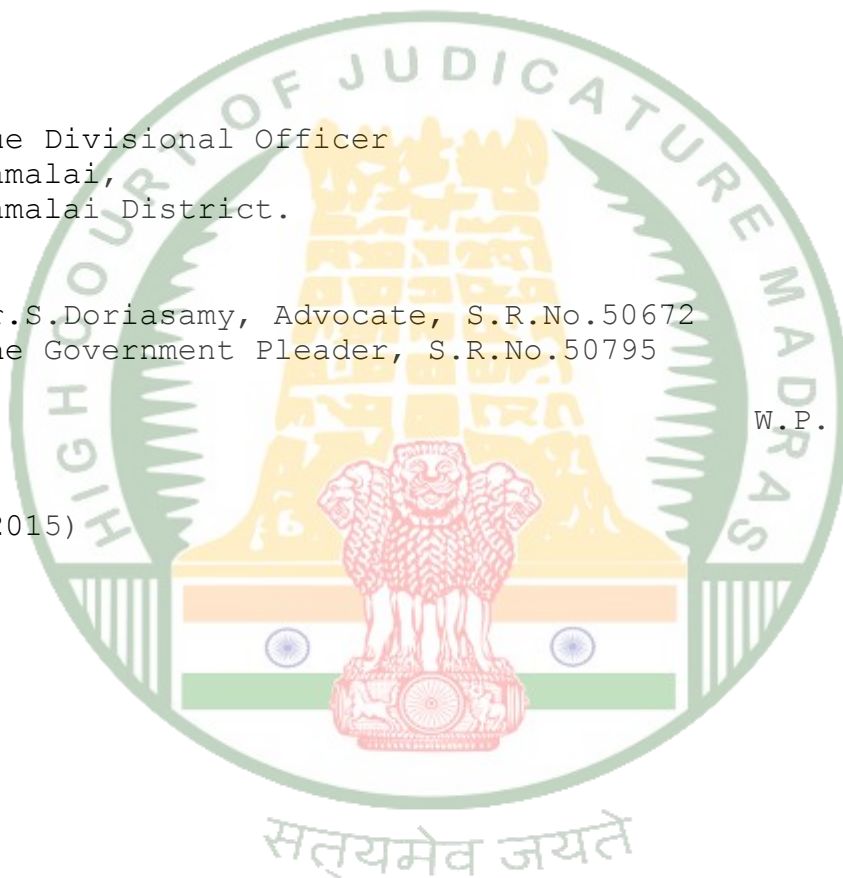
To

The Revenue Divisional Officer
Thiruvannamalai,
Thiruvannamalai District.

+1cc to Mr.S.Doriasamy, Advocate, S.R.No.50672
+1cc to the Government Pleader, S.R.No.50795

W.P. No.29302 of 2015

CA(CO)
CA(01/10/2015)



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