

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

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

W.P. No.29920 of 2015

L. Vajjiravel

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 issue community certificate to the petitioner's children, viz., K. Rajiv Gandhi, K. Vijayakanth and K. Jayakanth that they belong to Kurumans (ST) community based upon the community certificate possessed by the petitioner and her blood relatives.

For petitioner

Mr. S. Doraisamy

For respondent

Mr. N. Sakthivel
Government Advocate

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, 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 issue community certificate to the petitioner's children, viz., K. Rajiv Gandhi, K. Vijayakanth and K. Jayakanth that they belong to Kurumans (ST) community, based upon the community certificate issued to the petitioner's father and her blood relatives.

3 The petitioner, claiming to be belonging to Kurumans (S.T.) community, has made an application on 26 July 2014 to the respondent, seeking issuance of such community certificate to her children

R.Maheswari, R. Vijayasarithi and R.Senthil Kumar. Since no orders have been passed on the said application, she 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 her claim that she belongs to Kurumans (S.T.) community, the petitioner has enclosed with her application, the community certificate issued to her father, her siblings, viz., L. Pushparaj and L. Athipathy, her mother's brother's sons by name Ulaganambi and Elavarasu and her mother's brother's daughter by name Eswari.

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, the community certificate of the father of the petitioner, who is the mother of the children, may not be of much relevance, as the community is derived normally from the father's community and as such, the same may not be considered as binding and final. It is for the authorities to examine the relationship and certificates issued in favour of the relatives and take a conscious, legal and reasoned decision on the petitioner's application.

6 In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 26 July 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.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

1 (1994) 6 SCC 241

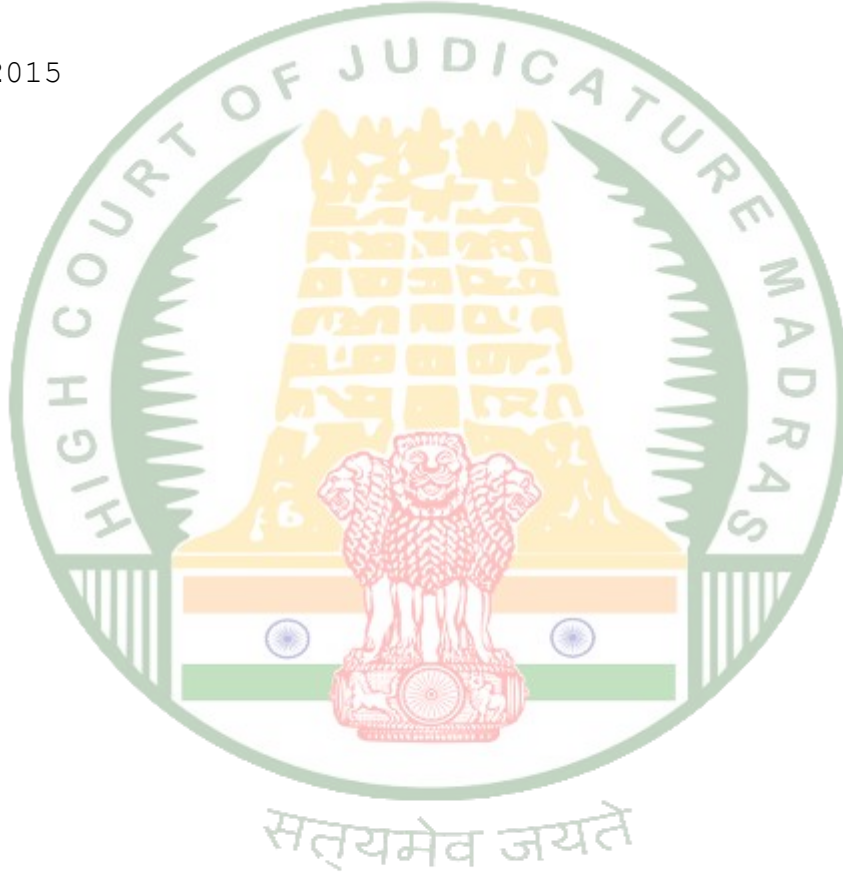
To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+1cc to M/s.Doraisamy, Advocate Sr.52135
+1cc to Government pleader Sr.52043

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srg 1.10.2015



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