

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

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

W.P. No.30498 of 2015

O. Ravi

Petitioner

Vs.

The Revenue Divisional Officer
Harur
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 petitioner's application dated 15.11.2014 and to issue Kurumans (ST) community certificate in favour of the petitioner's son R. Mayilmurugan, based on the ST community certificate issued in favour of the petitioner's paternal uncle's son J. Sivasankaran, as confirmed by the State Level Scrutiny Committee, as per the proceedings No.2848/CVIII/2011 dated 26.08.2013 and other relevant materials within a timeframe, within a time frame to be fixed by this Court.

For petitioner Mr. G. Sankaran

For respondent Mr. N. Sakthivel
Government Advocate

ORDER

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(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 mandamus directing the respondent to pass orders on the petitioner's application dated 15 November 2014 and to issue Kurumans (ST) community certificate in favour

of his son R. Mayilmurugan, based on such community certificate issued in favour of the petitioner's paternal uncle's son J.Sivasankaran, as confirmed by the State Level Scrutiny Committee, vide proceedings No.2848/CVIII/2011 dated 26.08.2013 and other relevant materials, within a time-frame.

3 The petitioner, claiming to be belonging to Kurumans (ST) community, made an application on 15 November 2014, to the respondent, seeking issuance of such community certificate to his son R. Mayilmurugan. Since no orders have been passed on the said application, he has come up with the instant writ petition seeking the aforesaid relief.

4 From a perusal of records, it is manifest that in support of his claim that he belongs to Kurumans (ST) community, the petitioner has enclosed with his application dated 15 November 2014, copy of community certificate of his paternal uncle's son J. Sivasankaran and also the proceedings of the State Level Scrutiny Committee, confirming the community status of the said J. Sivasankaran.

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 paternal uncle's son has been issued with community certificate, which has also been confirmed by the State Level Scrutiny Committee, such certificate do have a high 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.

6 In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 15 November 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 Others*¹. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

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

-sd/-

ASSISTANT REGISTRAR (J)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

1 (1994) 6 SCC 241

cad

To

The Revenue Divisional Officer
Harur
Dharmapuri District

+1 CC to MR.G.Sankaran ADVOCATE. SR.NO. 52762
+2 CC to Govt.Pleader. SR.NO. 52594 & 52596

W.P. No.30498 of 2015

CO-VGI
JD 09/10/2015



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