

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2015

CORAM:

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

W.P.No.30709 of 2015

and

M.P.No.1 of 2015

D.Kasilingam

... Petitioner

Vs

The Revenue Divisional Officer
Harur
Dharmapuri District.

... Respondent

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned proceedings issued by the respondent in Pa.Mu.7657/2010 (A1) dated 13/4/2015 and to quash the same and consequently direct the respondent to issue S.T.Kurumans Community Certificate in favour of petitioner's children viz., Saranya (daughter) and Gopinath (Son) based on the Community Certificate issued in favour of petitioner and his brothers D.Mahalingam and D.Arumugam as well as the genuineness certificate issued in favour of the petitioner's brother D.Arumugam by State Level Scrutiny Committee in Proceedings No.16021/CVIII/2013 dated 21/11/2013.

For Petitioner : Mr.G.Sankaran

For Respondent : Mr.N.Sakthivel, GA

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI,J.,)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking to quash the order dated 13.04.2015 passed by the respondent and consequently, direct the respondent to issue community certificate to the petitioner's children viz., Saranya (daughter) and Gopinath (Son) based on the Community Certificate issued in favour of the petitioner and his brothers D.Mahalingam and D.Arumugam as well as the genuineness certificate issued in favour of the petitioner's brother D.Arumugam by the State Level Scrutiny Committee.

3. Learned counsel for the petitioner submits that the petitioner's brother viz., D. Arumugam was given a community certificate by the Revenue Divisional Officer, Dharmapuri on 05.12.1995 and the same has been verified and approved by the State Level Scrutiny Committee vide proceedings dated 21.11.2013. He also submits that notwithstanding the aforestated community certificate granted in favour of petitioner and his brother D. Arumugam, the petitioner's application for grant of same community certificates to his children has been rejected without assigning any reason.

4. Learned Government Advocate appearing for the respondent submits that the aforestated documents were not produced before the authority concerned and as such, the respondent may be given liberty to re-consider the entire issue along with the documents, which are produced before this Court and take appropriate decision on merits.

5. In view of the above submission made by the learned Government Advocate, we set aside the impugned order dated 13.04.2015 and the matter is remanded to the authority concerned to re-consider the issue afresh in the light of the aforestated documents and also other documents to be produced by the petitioner and take a decision, on merits and in accordance with law, within a period of four weeks thereafter.

6. This writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ra.

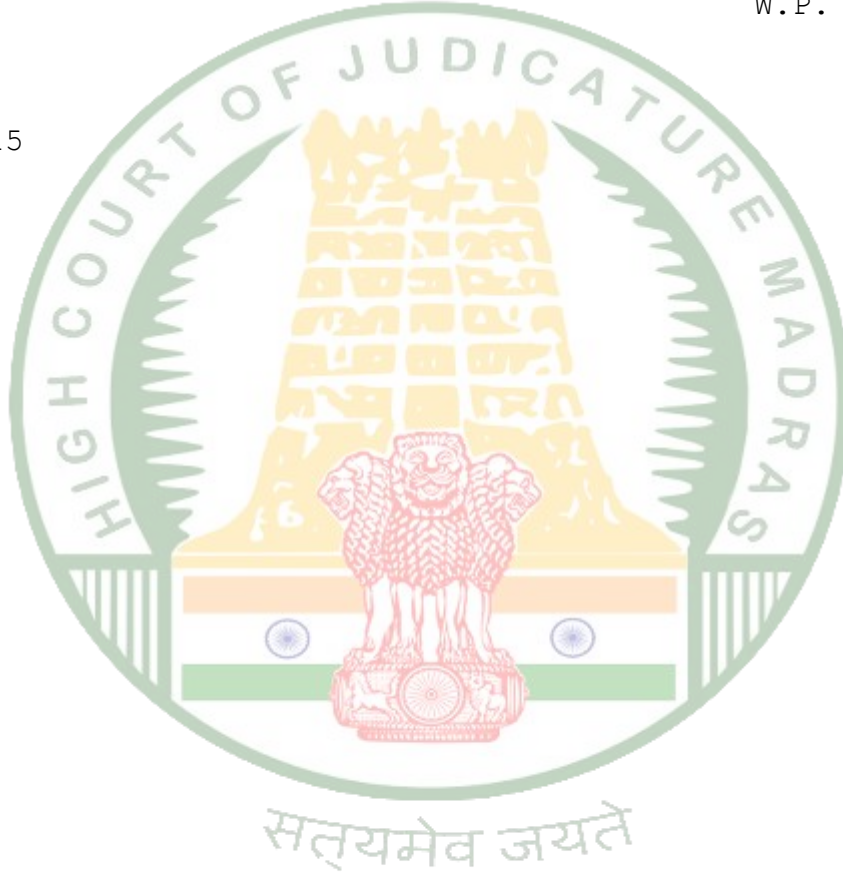
To

The Revenue Divisional Officer
Harur
Dharmapuri District.

+ 1 cc to Mr.G. Sankaran, Advocate SR.53513
+ 1 cc to Government Pleader, SR.52889

W.P. No.30709 of 2015

KU(CO)
Eu 09.10.15



WEB COPY