

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

and

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

W.P.No.33048 of 2015

J.D.Kannan

.. Petitioner

Vs.

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

.. Respondents

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 15.07.2015 for the issuance of community certificate to the petitioner's sons daughter and grand children viz., (1) K. Punitha (2) K. Govindarasu (3) A. Goutham (4) A. Mano and (5) G. Pranesh that they belongs to Hindu Kurichchan (ST) Community.

For petitioner : Mr. S. Doraisamy

For respondents : Mr. P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. 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 sons daughter and grand children viz., (1) K. Punitha (2) K. Govindarasu (3) A. Goutham (4) A. Mano and (5) G. Pranesh that they belongs to Hindu Kurichchan (ST) Community.

3. The petitioner, claiming to be belonging to Kurumans (S.T.) community, has made an application on 15 July, 2015, to the respondent, seeking issuance of such community certificate to his children and grand children. Since no orders have been passed on the said application, he 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 his claim that he belongs to Kurichchan (S.T.) community, the petitioner has enclosed with his application dated 15 July, 2015, copies of his children's school certificate and community certificate of his brother's son. Further, the State Level Scrutiny Committee has confirmed that the petitioner's brother by name K. Rangadurai, S/o J.T. Krishnan belongs to Kurichchan (ST) Community vide proceedings No.11148/CVIII/2013, dated 13.02.2015.

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, as avered by the petitioner, when his blood relatives have been issued with community certificates, 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 15 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 six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

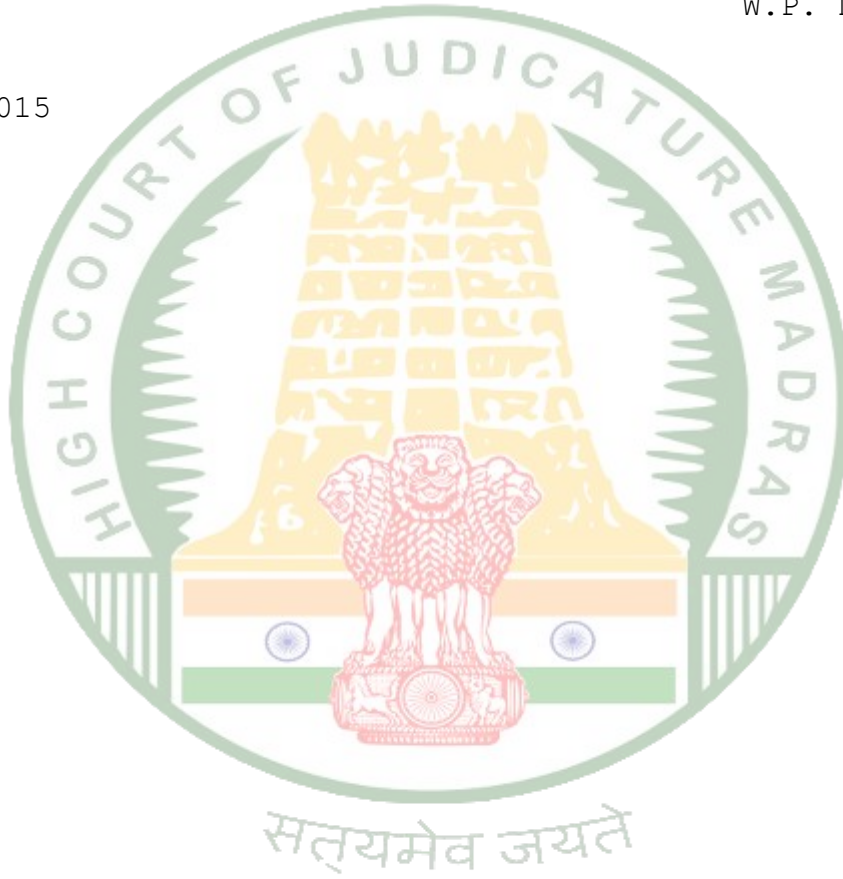
1. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1 C.C. To MR.S.Doraisamy, Advocate in SR.NO.57087

+1 C.C. To Government Advocate in SR.NO.57765

W.P. No.33048 of 2015

KM(CO)
sd : 30/10/2015



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