

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.33239 of 2015

M. Amsavathi

Petitioner

Vs.

1. 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 children of the petitioner viz. 1) A.R.Sastika Sree and 2) A.R.Adhish that they belong to Kurichchan (ST) community based upon the community certificate possessed by the petitioner and her close relatives.

For petitioner Mr.S. Doraisamy

For respondent Mr.P.S.Sivashanmugasundaram
Special Government Pleader

सत्यमेव जयते

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S.Sivashanmugasundaram, 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 writ of mandamus directing the respondent to issue community certificate to the petitioner's children viz., (1) A.R. Sastika Sree and (2) A.R.

Adhish that they belong to Kurichchan (ST) Community, based upon the community certificate already possessed by her and her close relatives to that effect.

3 The petitioner, claiming to be belonging to Kurichchan (S.T.) community, has made an application on 14 July, 2015, to the respondent, seeking issuance of such community certificate to her children. Since no orders have been passed on the said application, she 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 her claim that she belongs to Kurumans (S.T.) community, the petitioner has enclosed with her application dated 14 July, 2015, copies of the community certificates issued in her favour and also in favour her maternal uncle K.Rangadurai.

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 averred by the petitioner, when herself and her maternal uncle 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 14 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 eight weeks from the date of receipt of a copy of this order.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

1 (1994) 6 SCC 241

To

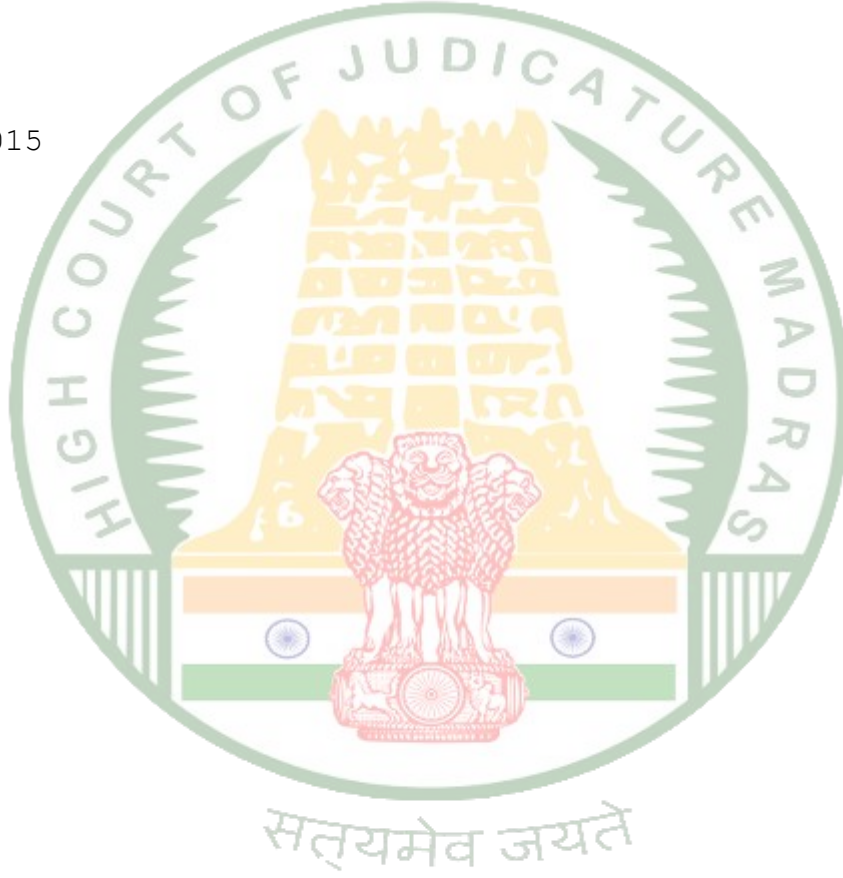
1. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

+1 cc to Mr.S.Doraisamy, Advocate sr.57085

+1 cc to Government pleader sr.57753

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