

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.33281 of 2015

N. Krishnamoorthy ...Petitioner

Vs

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

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondent to pass orders on the application submitted by the petitioner dated 5.8.2015 and to issue ST Kurumans Community Certificate in favour of the petitioner based on the ST Community Certificate issued in favour of petitioner's own brother N.Mahalingam bearing S.No.659/ 2015 R.Dis.7651/2015 dated 10.8.2015 and ST Community Certificate issued in favour of petitioner paternal uncle son S.Kaviarasan as confirmed by State Level Scrutiny Committee as per the proceedings No.13544/CVIII/2006 dated 27.3.2014 as well as the ST Community Certificate issued in favour of petitioner paternal uncle daughter K.Devi as confirmed by State Level Scrutiny Committee as per the proceedings No.22254/ CVIII/2005, dated 28.04.2008 and other relevant materials, with a time frame.

For Petitioner : Mr.G.Sankaran

For Respondent : Mr.P.S.Sivashanmugasundaram
Spl. Govt. Pleader

ORDER

(Order of the Court was 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 for the parties, the writ petition is taken

up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking a direction to respondent to consider his application dated 05.08.2015 and issue ST Kurumans community certificate to him based on the Community Certificate issued in favour of the petitioner's own brother N.Mahalingam and Paternal Uncle's son S. Kaviarasan as well as the genuineness certificates issued in favour of the petitioner's paternal uncle's son Kaviarasan by the State Level Scrutiny Committee. Since no orders have been passed on the said application, he has come up with the instant writ petition seeking the aforesaid relief.

3 From a perusal of records, it is seen that the petitioner has produced a copy of the community certificate issued in favour his brother and also a copy of the proceedings of the State Level Scrutiny Committee confirming the genuineness of the community certificate issued in favour of his paternal uncle's son S. Kaviarasan.

4 By this petition, the petitioner is seeking a direction to the respondent to consider his application and issue community certificate to him accordingly. 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 brother has been issued with community certificate to that effect, 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.

5 In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 05 August 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.

6. This writ petition is disposed of accordingly. No costs.

sd/
ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ra.

1 (1994) 6 SCC 241

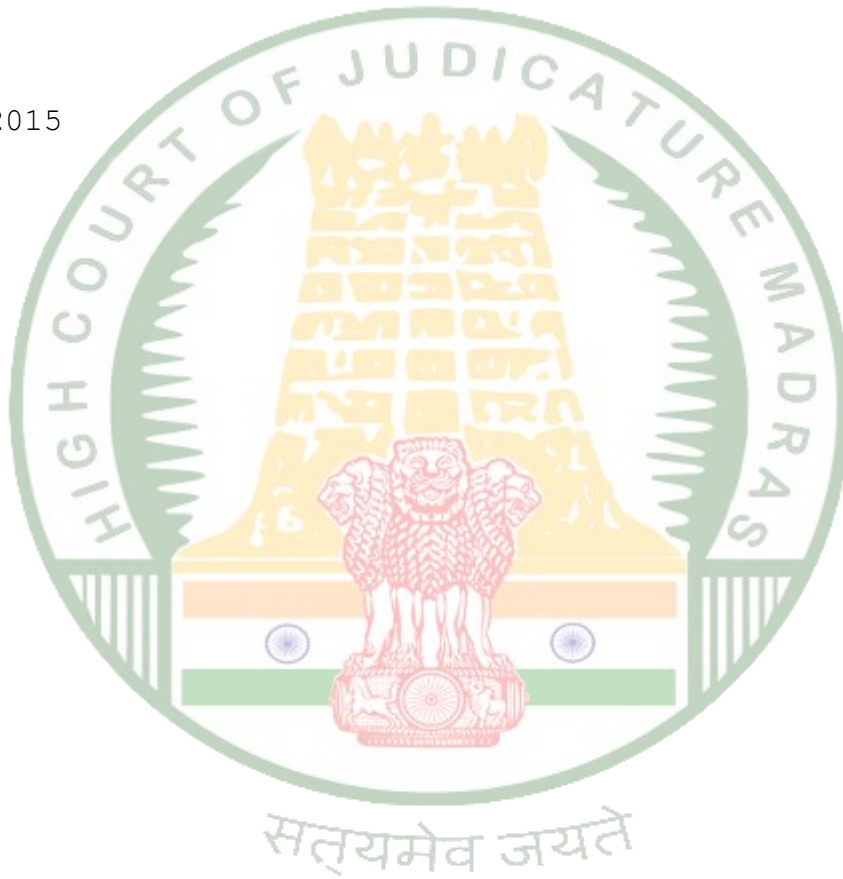
To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

+1 CC to MR. G.Sankaran Advocate. SR.NO. 57638
+1 CC to Govt.Pleader. SR.NO. 57760

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CO-RSI
JD 04/11/2015



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