

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.33282 of 2015

M. Chandra

Petitioner

Vs.

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 pass orders on the application of the petitioner dated 09.06.2015 and to issue ST Kurumans Community Certificate in favour of the petitioner's children M.Selvarani Minor.M.Shenbagavalli and Minor M.Vignesh based on the ST Community Certificate issued in favour of petitioner maternal uncle C.Balaraman in ROC No.4451/96(A3) dated 1.7.1996 and other relevant materials.

For petitioner: Mr. G. Sankaran

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

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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 pass orders on the petitioner's

application dated 09.06.2015 for issuance of Kurumans (ST) community certificate to her children , viz., M. Selvarani, Minor M. Shenbagavalli and Minor M. Vignesh , based upon the community certificate already issued in favour of petitioner's maternal uncle C. Balaraman.

3 The petitioner, claiming to be belonging to Kurumans (S.T.) community, has made an application on 09.06.2015, 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 aforestated 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 09.06.2015, copies of her children's school certificate and ration card.

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 her maternal uncle has been issued with community certificate, such certificate 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 09.06.2015, 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.

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. 57639

W.P. No.33282 of 2015

CO-RSI
JD 04/11/2015



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