

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

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

W.P. No.33810 of 2015 and M.P. No.1 of 2015

K. Kavitha

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 certiorarified mandamus to call for the records relating to the impugned proceedings issued by the respondent in Na.Ka.6245/2013/A4 dated 10.07.2015 and to quash the same and consequently, directing the respondent to issue ST Kurumans community certificate in favour of the petitioner and her minor children (i) B. Arulpriya (daughter) and (ii) B. Jagadeesan (son), based on the ST community certificate issued in favour of S. Vajjiram (petitioner's paternal uncle) dated 28.12.1995 and other documents and school records submitted, within a stipulated time.

For petitioner Mr. G. Sankaran

For respondent Mr. N. Sakthivel, Govt. Advocate

ORDER

(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 assailing the proceedings dated 10 July 2015 issued by the respondent, whereby and whereunder, the application submitted by the petitioner's father seeking issuance of Kurumans (ST) community certificate to the petitioner and her children, has been turned down.

3 The learned counsel for the petitioner submits that the respondent, while passing the impugned order rejecting the application submitted by the petitioner's father, as aforesaid, has failed to consider the relevant documents. The petitioner's paternal uncle was issued with a proper community certificate by the competent authority and the same was enclosed along with the application. The respondent has not adverted to the same while rejecting the application. It is also contended that proper enquiry, as mandated, is not done. Thus, the impugned proceedings may be set aside and a direction be given to the competent authority to consider all the relevant documents in the light of various judicial pronouncements made by this Court as well as the Supreme Court and pass appropriate orders on the petitioner's application.

4 The learned Government Advocate appearing for the respondent fairly submits that the impugned proceedings does not indicate proper consideration of relevant materials and that the same seems to have been passed in a casual and cryptic manner.

5 We have considered the submissions advanced by the learned counsel for the parties.

6 We are of the considered view that the impugned proceedings deserves to be set aside and the same is accordingly set aside. A direction is issued to the respondent to consider the application dated 21 July 2010 submitted by the petitioner's father, afresh, examining all the relevant documents, particularly of the petitioner's relatives, which have high probative value and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7 The writ petition stands disposed of with the above observation and direction. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cad

To

The Revenue Divisional Officer

Dharmapuri

Dharmapuri District

+1 cc to M/s.G.Sankaran, Advocate, sr.58246

+1 cc to The Government Pleader, sr.58036

W.P. No.33810 of 2015

ala co, kra 03/11/2015