IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

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

W.P. No.34161 of 2015

G. Velumani — 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 petitioner's application dated 08.06.2015 for the issuance of community certificate to the petitioner, his wife, Shanthi and two children viz., V. Sukeswar and V. Mithuna that they belong to Kurumans (ST) community, based upon the community certificate already issued to the petitioner's close relatives.

For petitioner Mr. S. Doraisamy
For respondent Mrs. A. Srijayanthi
Special Government Pleader

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ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, 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 mandamus directing the respondent to pass orders on the petitioner's application dated 08 June 2015 for issuance of Kurumans (ST) community certificate to the petitioner, his wife and his children, viz.,

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V. Sukeswar and V. Mithuna, based upon the community certificates already issued to the petitioner's blood relatives.

3 The petitioner, claiming to be belonging to Kurumans (S.T.) community, has made an application on 08 June 2015, to the respondent, seeking issuance of such community certificate to himself, his wife and children viz., V. Sukeswar and V.Mithuna. 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 Kurumans (S.T.) community, the petitioner has enclosed with his application dated 08 June 2015, copies of community certificate of M/s.Narasimman, Balaraman and Senthilkumar, who are stated to be his brother's sons and also, a copy of the proceedings of the State Level Scrutiny Committee, whereby, the community status of the petitioner's brother's son by name M. Manirathinam has been confirmed.

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 aforestated, when M/s.Narasimman, Balaraman and Senthilkumar, who are stated to be the petitioner's brother's sons are issued with Kurumans (ST) community certificate and moreover, when the community status of the petitioner's brother's son by name M. Manirathinam has been confirmed by the State Level Scrutiny Committee by proceedings dated 07 May 2014, the said documents 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 persons with the petitioner.

6 In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 08 June 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 Others[1]. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

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1 (1994) 6 SCC 241

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+1 cc to Mr.S.Doraisamy vide sr.58992

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