

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.34873 of 2015

N. Ramachandran

...Petitioner

Vs

1. The Revenue Divisional Officer
Dharmapuri,
Dharmapuri District.

2. The Chairman,
Tamil Nadu State Level Security Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.

...Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondent No.1 to hold proper enquiry, examine the proceedings of respondent No.2-committee dated 09.06.2014 relating to the petitioner's paternal uncle's son Mr.K. Shanmugavel and issue Scheduled Tribe Community Certificates to the petitioner and his children viz., Gayathri, Sivasankari and Venketesan, within a reasonable time.

For Petitioner : Mr. M. Radhakrishnan
For Respondents : Mr. N. Sakthivel
Govt. Advocate

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI, J.,)

Mr. N. Sakthivel 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 the first respondent to consider his application dated 28.08.2015 and issue ST Kurumans community certificate to him and his children viz., Gayathri, Sivasankari and Venketesan, based on the Community Certificate as well as the genuineness certificates issued in favour of the petitioner's paternal uncle's son K. Shanmugavel 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 aforestated relief.

3 From a perusal of records, it is seen that the petitioner has produced 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 K. Shanmugavel.

4 By this petition, the petitioner is seeking a direction to the respondent to consider his application and issue community certificate to him and his children viz., Gayathri, Sivasankari and Venketesan 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 community status of the petitioner's paternal uncle's son by name K. Shanmugavel has been confirmed by the State Level Scrutiny Committee, as aforestated, such certificate has a 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 28 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 six 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 (CCC)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ra.

¹ (1994) 6 SCC 241

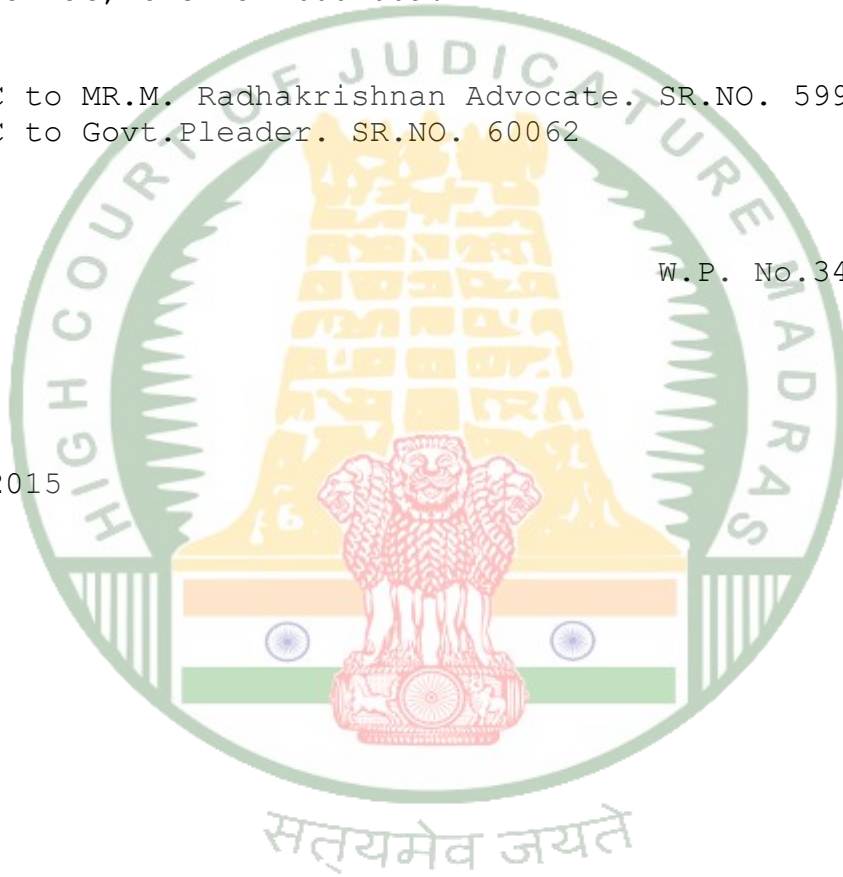
To

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Dharmapuri,
Dharmapuri District.
2. The Chairman,
Tamil Nadu State Level Security Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.

+1 CC to MR.M. Radhakrishnan Advocate. SR.NO. 59950
+1 CC to Govt.Pleader. SR.NO. 60062

W.P. No.34873 of 2015

CO-SK
JD 06/11/2015



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