

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.34962 of 2015

G. Kumari

Petitioner

Vs.

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to pass orders on the petitioner's application dated 05.08.2015 and to issue S.T. Kurumans community certificate in favour of the petitioner's children viz., (i) Minor G. Madhammal (ii) Minor G.Gokulraj and (iii) Minor G. Devakumar based on the ST community certificate issued in favour of the petitioner's husband's own brother's son N. Mahalingam bearing S.No.659/2015, R.Dis. 7651/2015 dated 10.08.2015 and S.T. community certificate issued in favour of the petitioner's husband's own brother's son S. Kaviarasan as confirmed by the State Level Scrutiny Committee as per the proceedings No.13544/CVIII/2006 dated 27.03.2014 as well as the ST community certificate issued in favour of the petitioner's husband's own brother's daughter K. Devi, as confirmed by the State Level Scrutiny Committee as per the proceedings No.22254/CVIII/2005 dated 28.04.2008 and other relevant materials, within a time frame.

For petitioner Mr. G. Sankaran

For respondent Mr. N. Sakthivel, Govt. Advocate

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondent. With the consent of the learned counsel on either side, the writ petition is taken up for final 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 05 August 2015 for issuance of Kurumans (ST) community certificate to her children, viz., (i) Minor G.Madhammal (ii) Minor G.Gokulraj and (iii) Minor G. Devakumar, based on such certificates issued in favour of her husband's own brother's son N. Mahalingam, her husband's own brother's son S. Kaviarasan and her husband's own brother's daughter K.Devi.

3 The petitioner, claiming to be belonging to Kurumans (S.T.) community, has made an application on 05 August 2015, to the respondent, seeking issuance of such community certificate to her children, as aforesaid. Since no orders have been passed on the said application, she has come up with the instant writ petition seeking the aforesaid 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 05 August 2015, copies of community certificate of her husband's own brother's son N. Mahalingam, her husband's own brother's son S.Kaviarasan as confirmed by the State Level Scrutiny Committee as per proceedings dated 27 March 2014 as well as her husband's own brother's daughter K.Devi, as confirmed by the State Level Scrutiny Committee as per proceedings dated 28 April 2008.

5 By this petition, the petitioner is seeking a direction to the respondent to consider her application and issue community certificate to her children, viz., (i) Minor G.Madhammal (ii) Minor G.Gokulraj and (iii) Minor G. Devakumar, 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 blood relatives have been issued with community certificates to that effect, such certificates 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 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

¹ (1994) 6 SCC 241

shall be completed within a period of six 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 (CCC)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

cad

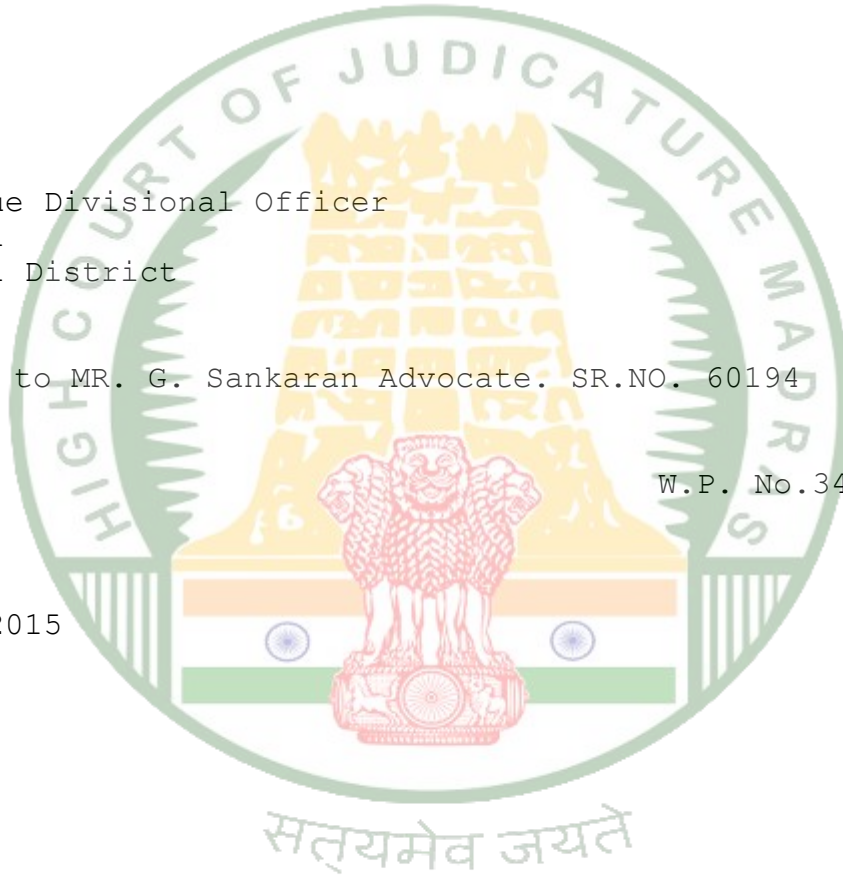
To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+1 CC to MR. G. Sankaran Advocate. SR.NO. 60194

W.P. No.34962 of 2015

CO-VD
JD 26/11/2015



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