

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.34967 of 2015

M. Suresh Kannan

Petitioner

Vs.

The Revenue Divisional Officer
Erode
Erode District

Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to issue community certificate in favour of the petitioner's minor daughter by name S. Sree Prithigga that she belongs to ST Konda Reddis Scheduled Tribe community based on ST Konda Reddis community certificate issued in favour of the petitioner dated 14.09.1978 and his relatives by considering the application/representation submitted by the petitioner dated 10.07.2013, 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 writ of mandamus directing the respondent to issue Konda Reddis (ST) community certificate in favour of the petitioner's minor daughter by name S. Sree Prithigga, based on such certificate dated 14 September 1978 issued in favour of the petitioner and his relatives by considering the petitioner's application dated 10 July 2013, within a time frame.

3 The petitioner, claiming to be belonging to Konda Reddis (ST) community, has made an application on 10 July 2013 to the respondent, seeking issuance of such community certificate to his minor daughter by name S.Sree Prithigga. 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 Konda Reddis (ST) community, the petitioner has enclosed with his application, his community certificate dated 14 September 1978 issued by the Tahsildar, Mettur, the then competent authority, besides such certificates issued to his blood relatives.

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, when the petitioner has been issued with community certificate recognising his community as Konda Reddis (ST) community, as a natural corollary, his daughter is also entitled to get such community status.

6 Needless to state that if any doubt crops up in the mind of the competent authority qua the genuineness of the community certificate issued to the petitioner, while considering his application for grant of the same certificate for his daughter, the only course open to the competent authority is to refer the same to the State Level Scrutiny Committee, but, not to take a contrary stand by dis-crediting the same. The said community certificate is subject to further verification by the State Level Scrutiny Committee. In other words, if the competent authority has any doubt about the genuineness of the community certificate issued to the petitioner, he has no competence to wish away the same, unless the same is set aside or modified by the higher authority, i.e., the State Level Scrutiny Committee and he can only refer the matter to the State Level Scrutiny Committee.

7 In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 10 July 2013, 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.

1 (1994) 6 SCC 241

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

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

cad

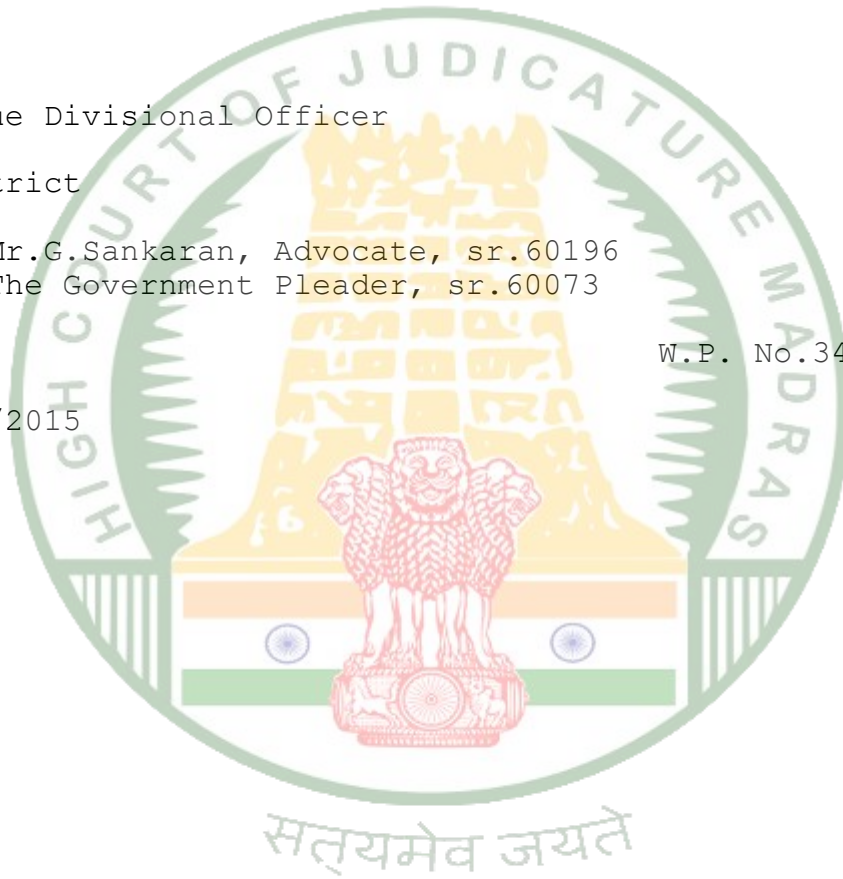
To

The Revenue Divisional Officer
Erode
Erode District

+1 cc to Mr.G.Sankaran, Advocate, sr.60196
+1 cc to The Government Pleader, sr.60073

W.P. No.34967 of 2015

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