

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM:

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

W.P. No.39765 of 2015

J.R. Nagarajan

... 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 issue community certificate to the children of the petitioner, viz., (1) N. Nagalakshmi and (2) N. Sivasakthi that they belong to ***Kurichchan** (ST) community based upon the community certificate possessed by the petitioner and his close relatives.

For petitioner : Mr.S. Doraisamy

For respondent : Mr. P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S.Sivashanmugasundaram, 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 writ of mandamus directing the respondent to issue ***Kurichchan** (ST) community certificate to the petitioner's children, viz., (1) N. Nagalakshmi and (2) N. Sivasakthi, based upon the community certificate already issued to the petitioner and his close relatives.

3. The petitioner, claiming to be belonging to ***Kurichchan** (ST) community, has made an application on 07 August, 2015 to the respondent, seeking issuance of such community certificate to his children viz., (1) N. Nagalakshmi and (2) N. Sivasakthi. 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 ***Kurichchan** (ST) community, the petitioner has enclosed with his application, his community certificate dated 13 February 1982 issued by the respondent.

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 ***Kurichchan** (ST) community, as a natural corollary, his children are 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 children, 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 07 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.

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

Sd/-

Assistant Registrar(CS VI)

Dated: 22.12.2015

*Corrected as per order dated 6.1.16
and made in W.P.38765/15

Assistant Registrar (CCC)

Dated: 8.1.2016

//True Copy//

Registrar
ra

Sub Assistant

To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

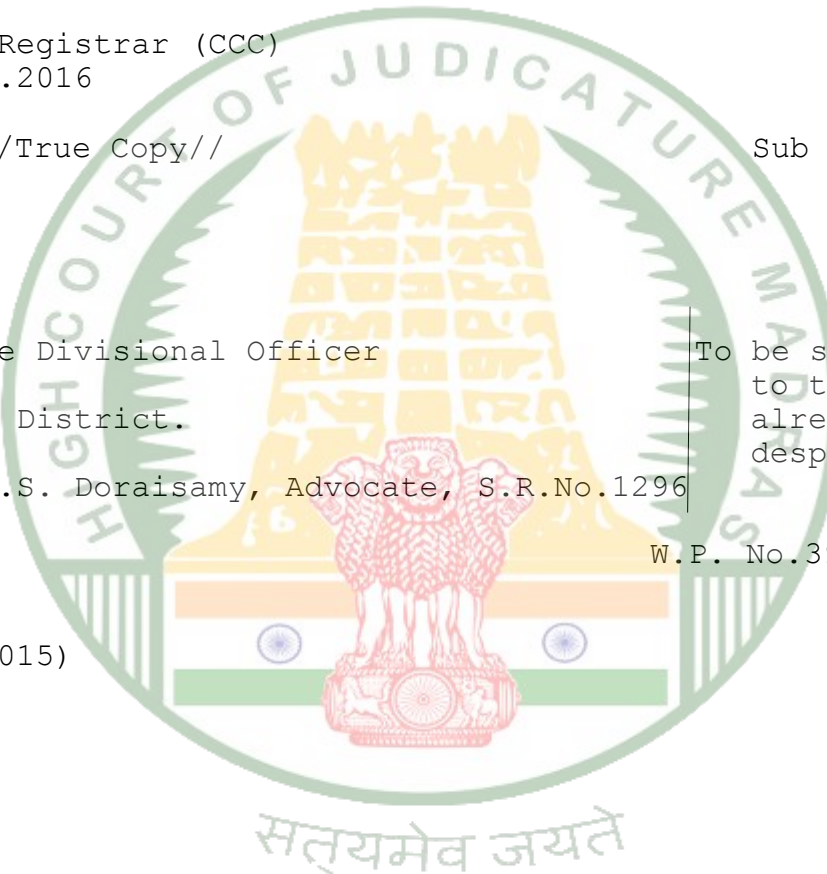
To be substituted
to the order
already
despatched on
30.12.2015

+1cc to Mr.S. Doraisamy, Advocate, S.R.No.1296

W.P. No.39765 of 2015

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CA(22/12/2015)

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¹ (1994) 6 SCC 241