



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No.17326 of 2014

G.Esakkimuthu

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep.by its Secretary,
Adi Dravidar Tribal Welfare Department,
Fort St.George, Chennai.

2.The District Collector, Tuticorin.

3.The Revenue Divisional Officer,
Tuticorin.

4.The Tahsildar, Tuticorin Taluk,
Tuticorin.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to issue Community certificate of Hindu Kattunayakkan Community Certificate of Scheduled Tribe to the petitioner's son namely, E.Marimuthu and daughter namely, E.Patchiammal on the basis of the application dated 22.08.2014 within a period that may be stipulated by this Court.

For Petitioner : Mr.V.Palanaichamy

For Respondents : Mr.N.Manokaran, Spl.G.P.

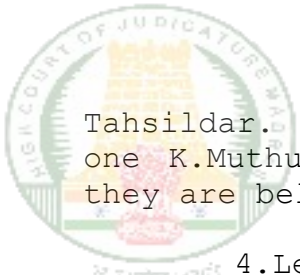
ORDER

(Order of this Court was made by S.TAMILVANAN,J.)

This Writ petition has been filed invoking Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, directing the Revenue Divisional Officer, Tuticorin, the third respondent herein, to issue community certificate of Hindu Kattunayakkan community of scheduled Tribe to the petitioner's son, E.Marimuthu and daughter, E.Patchiammal on the basis of the application dated 22.08.2014, within a time frame.

2.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

3.Learned counsel appearing for the petitioner drew the attention of this Court to the community certificate issued in favour of the petitioner, wherein, it is stated that the petitioner belongs to Hindu Kattunayakkan community of Scheduled Tribe. The said certificate was issued by Village Munsiff, Revenue Inspector and Independent Deputy



Tahsildar. Similarly, other certificates relating to one K.Suresh and one K.Muthukumar, who are said to be his brother's sons, stating that they are belong to Hindu Kattunayakan community of Scheduled Tribe.

4.Learned Special Government Pleader appearing for the respondents has not disputed the same.

5.It is also not disputed that there was an enquiry conducted by the respondents whereby, it was found that the petitioner belongs to Hindu Kattunayakan community of Scheduled Tribe. The supporting materials and the submissions made by both sides would clearly establish the fact that the petitioner is entitled to get community certificate stating them as Hindu Kattunayakan community of Scheduled Tribe in favour of the petitioner's son and daughter.

6.On the aforesaid facts and circumstances, we find it just and reasonable to allow the Writ petition.

7.Accordingly, the Writ petition is allowed and the Revenue Divisional Officer, Tuticorin, the third respondent herein, is directed to issue community certificate stating Hindu Kattunayakan community of Scheduled Tribe to the petitioner's son, E.Marimuthu and daughter, E.Patchiammal, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1.The Secretary, Adi Dravidar Tribal Welfare Department,
Fort St.George, Chennai.

2.The District Collector, Tuticorin.

3.The Revenue Divisional Officer, Tuticorin.

4.The Tahsildar, Tuticorin Taluk, Tuticorin.

+1cc to MR.V.PALANICHAMY, ADVOCATE IN SR : 7257

+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 7871

Nbj

SR : 16.04.2015 : 2p/7c

W.P. (MD) No.17326 of 2014
17.02.2015