



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.17327 of 2014

V.Subramanian

... 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 stating the petitioner's son, S.Kumaravel as Hindu Kattunayakkan Community of Scheduled Tribe as per his representation dated 14.08.2014 within the 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, stating that the petitioner's son, S.Kumaravel as Hindu-Kattunayakkan Community of Scheduled Tribe on the basis of the representation dated 14.08.2014 given by the petitioner within a time.

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 submitted that the petitioner, V.Subramanian, son of Late Vellaiappan, belongs to Hindu Kattunayakkan community of Scheduled Tribe. However, no community certificate relating to his father, Late Vellaiappan, is produced in the Writ petition.



4.It is seen in the typed set of papers that a copy of the record sheet issued by the Headmaster, Inter Christian Mission Middle School, stating that the date of birth of the petitioner is 14.03.1971 and his community is Hindu Kattunayakan. However, it is not a public document. The service record of the petitioner's mother viz.,Kaliammal, which is available in page No.2 of the typed set of papers, shows that she belongs to Kattunayakan community of Scheduled Tribe. In the voter identity card of Kaliammal, it could be seen that her father / mother / husband's name is Vellaiappan and in the said three options the inapplicable words have not been deleted. Another community certificate of Hindu Kattunaicken of Scheduled Tribes stands in the name of one Muniasamy, son of S.Mariappan. There is no correlating material to show that the said Muniasamy is the maternal uncle of the petitioner.

5.On the aforesaid facts and circumstances, we find it just and reasonable to direct the Revenue Divisional Officer, Tuticorin, the third respondent herein, to conduct appropriate enquiry and pass orders.

6.In the result, the Revenue Divisional Officer, Tuticorin, the third respondent herein, is directed to conduct appropriate enquiry and if the petitioner and his son belong to Hindu Kattunayakan community of Scheduled Tribes, community certificate for Hindu Kattunayakan of Scheduled Tribe shall be issued as prayed for, otherwise, appropriate orders be passed by assigning reasons. The said order shall be passed within a period of six weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ petition is disposed of. 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 : 7258

Nbj

SR : 16.04.2015 : 2p/6c