

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. Nos.10421 and 10422 of 2016

E. Nirmala Petitioner in W.P. No.10421 of 2016

D. Suriyadevi Petitioner in W.P. No.10422 of 2016

vs.

The Revenue Divisional Officer
Thiruvallur Revenue Divisional Office
Thiruvallur
Thiruvallur District Respondent in both the WPs

Prayer in W.P. No.10421 of 2016:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to issue permanent community certificate to the petitioner and her children (1) S.Sakthipriya and (2) S. Raghavi that they belong to Hindu Kattunayakan community, which is classified as Scheduled Tribe, based upon the community certificate already possessed by the petitioner's father and paternal uncle that they belong to Hindu Kattunayakan community.

Prayer in W.P. No.10422 of 2016:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to issue permanent community certificate to the petitioner and her children (1) G.Lathika and (2) G. Haritha that they belong to Hindu Kattunayakan community, which is classified as Scheduled Tribe, based upon the community certificate already possessed by the petitioner's father and mother that they belong to Hindu Kattunayakan community.

For petitioner
in both the WPs

Mr. V. Sivalingam
for Mr. B. Balavijayan

For respondent
in both the WPs

Mrs. T.T. Girija
Government Advocate

COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. T.T. Girija, learned Government Advocate, accepts notice for the respondent. With consent, the writ petitions are taken up for final disposal, at the admission stage itself.

2 By the instant writ petitions, the petitioners seek a direction to the respondent to issue Hindu Kattunayakan (ST) community certificate to themselves and their children on the basis of such certificate already issued to their respective father.

3 The petitioners, claiming to be belonging to Hindu Kattunayakan (ST) community, made applications to the respondent on 21 January 2015, seeking such certificate to themselves and their children. Seemingly, the petitioners annexed to the said applications, copies of community certificates issued to the respective father on 11 July 1975 and 05 June 1976. Upon instructions from the Tahsildar, Thiruvallur, to conduct enquiry and submit a report, the Village Administrative Officer, Thandurai, Poonamallee Taluk, Thiruvellore District, submitted reports dated 31 March 2015, recommending that the petitioners and their children may be issued with Hindu Kattunayakan (ST) community certificate. However, subsequent thereto, there has been no progress in the matter. Thus, feeling aggrieved by the inaction on the part of the respondent, the petitioners have come up with the instant writ petitions seeking the aforestated reliefs.

4 The main ground urged by the petitioners is that their respective father have been issued with Hindu Kattunayakan (ST) community certificates. As such, they and their children also are entitled to such certificates.

5 This Court, examining the aforestated issue, held in a catena of decisions that if father has been issued with a particular community certificate, then, as a natural corollary, his children also are entitled to such certificate.

6 Recently, in G. Venkitasamy and V. Balasubramaniam vs. The Chairman, State Level Scrutiny Committee and Secretary to Government, Adi Dravidar and Tribal Welfare Department, Namakkal Kavingar Maaligai, Fort St. George, Chennai - 9¹, a Division Bench of this Court, wherein, one of us (Satish K.Agnihotri, J.) was a Member, while dealing with the subject of issuance of

1 2016-1-L.W.289 : (2016) 1 MLJ 606

community certificates, laid down certain guidelines in sync with the directions issued by the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others².

7 The learned Government Advocate appearing for the respondent submits that a direction may be issued to the respondent to examine the petitioners' applications 21 January 2015, in the light of the directions issued by this Court in G. Venkitasamy and V. Balasubramaniam (supra).

8 In view of the above submission of the learned Government Advocate, it is ordered accordingly. The appropriate order, on merits, shall be passed within a period of two months from the date of receipt of a copy of this order. Meanwhile, the petitioners are also directed to produce the required documents, in original, before the authority concerned, within a period of two weeks.

The writ petitions stand disposed of with the above observation and direction. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

cad

To

The Revenue Divisional Officer
Thiruvallur
Thiruvallur District

+2 ccs to Mr. Balavijayan, Advocate, sr.18164

W.P. Nos.10421 and 10422 of 2016

scd co
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