

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM :

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

THE HON'BLE MR. JUSTICE M. DURAISWAMY

W.P. No.1165 of 2016

V. Kannayiraman

... Petitioner

Vs.

1. The Revenue Divisional Officer
Thirukovillur
Villupuram District

2. The Tahsildar
Ulundurpet
Villupuram

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to issue community certificate to the petitioner describing him as "Hindu Malai Kuravan" based on his representation dated 26.09.2013.

For petitioner : Mr. V. Raghavachari

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

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

With consent, the writ petition is taken up for final disposal at the admission stage itself.

2. By the instant writ petition, the petitioner seeks a direction to the first respondent to issue Hindu Malai Kuravan

community certificate to him, based on his representation dated 26 September 2013.

3. The facts in brief leading to the filing of the instant writ petition are that the petitioner joined the services of Indian Bank in July 1976 and retired on 31 January 2013 on reaching the age of superannuation. However, his terminal benefits have been withheld by the employer-bank due to non-production of his original community certificate. Hence, he addressed a representation dated 26 September 2013 to the first respondent seeking issuance of Hindu Malai Kuravan community certificate. Since no orders have been passed on his aforestated representation, he has come up with the instant writ petition.

4. The main ground urged by the petitioner is that his four children, viz., K. Ramachandran, K. Rani, K. Amudha and K. Raghavan have been granted Hindu Malai Kuravan community certificate. As such, he is also entitled to such certificate.

5. This Court, examining the aforestated issue, held in a catena of decisions that if a son/daughter has been issued with community certificate, then, as a natural corollary, his/her parents are entitled to such certificate.

6. Very 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, this Bench, vide order dated 21 December 2015, laid down guidelines in sync with the directions issued by the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others², as subsequently referred to with approval in Director of Tribal Welfare, Government of A.P. Vs. Laveti Giri and another³, Baswant Vs. State of Maharashtra & Others⁴, Sudhakar Vithal Kumbhare Vs. State of Maharashtra and Others⁵, and G.M., Indian Bank Vs. R.Rani⁶.

¹ W.P. Nos.30368 and 31973 of 2015

² (1996) 4 SCC 241

³ (1995) 4 SCC 32

⁴ JT 2000 (10) SC 280

⁵ (2004) 9 SCC 481

⁶ (2007) 12 SCC 796

WEB COPY

7. Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, submits that a direction may be issued to the first respondent to examine the petitioner's application dated 26 September 2013 in the light of the directions issued by this Bench vide order dated 21 December 2015 (supra).

8. In view of the above submission made by the learned Special Government Pleader, it is ordered accordingly. The appropriate order, on merit, shall be passed within a period of two months from the date of receipt of a copy of this order.

The writ petition stands disposed of with the above observation sans costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Revenue Divisional Officer
Thirukovillur
Villupuram District
2. The Tahsildar
Ulundurpet
Villupuram

+1cc to Mr.V. Raghavachari, Advocate, S.R.No.2341
+1cc to the Government Pleader, S.R.No.2736

W.P. No.1165 of 2016

BVR(CO)
CA(27/01/2016)

WEB COPY