

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.04.2016

CORAM:

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

W.P. No.13025 of 2016

M. Narasu

..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., M. Sathyavani and M. Sathyaraj that they belong to Kurumans (ST) community, based upon the community certificate already issued to the petitioner and her close relatives.

For Petitioner : Mr.V.Elangovan

For Respondent : Ms. T.T. Girija
Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. T.T. Girija, learned Government Advocate, accepts notice for the respondent. 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 respondent to issue Kurumans (ST) community certificate to her sons viz., M.Sathyavani and M. Sathyaraj, based on such community certificate dated 06 June 1983 issued to her husband viz., P. Madhesh.

3. The petitioner, claiming to be belonging to Hindu Kurumans (ST) community, made an application to the respondent on 09 September 2015, seeking such certificate to her children. The petitioner annexed to her application, a copy of the

community certificate dated 06 June 1983, issued to her husband. However, the petitioner's application still remains unconsidered. Thus, feeling aggrieved by the inaction on the part of the respondent, the petitioner has come up with the instant writ petition seeking the aforestated relief.

4. The main ground urged by the petitioner is that her husband has been issued with Hindu Kurumans (ST) community certificate. As such, her children also are entitled to such certificate.

5. This Court, examining the aforestated issue, has 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 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 Others*².

7. The learned Government Advocate appearing for the respondent submits that a direction may be issued to the respondent to examine the petitioner's application dated 09 September 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 four weeks from the date of receipt of a copy of this order.

The writ petition stands disposed of with the above observation and direction. No costs.

cad

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

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

2 (1996) 4 SCC 241

To

The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

+ 1 CC TO M/s.S.DORAISAMY, ADVOCATE SR 22386

KR/15/4/16

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