

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM:

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE V. BHARATHIDASAN

W.P. No.13355 of 2016

S. Chandru

Petitioner

vs.

- 1 The District Collector
District Collector Office
Singaravelar Maligai
Chennai 600 001
- 2 The Personal Assistant to the
District Collector of Chennai
Chennai 600 001
- 3 The District Revenue Officer
Triplicane Taluk
Triplicane, Chennai 600 005
- 4 The Tahsildar
Triplicane Taluk
Triplicane, Chennai 600 005

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing respondents 1 to 4 to dispose of the petitioner's application dated 08.12.2014 pertaining to the issuance of S.T. Hindu Kurumans community certificate to the petitioner S. Chandru and his sisters, viz., S. Vijayalakshmi and S. Jayanthi.

For petitioner Mr. P. Murali

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

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. 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 respondents to consider and pass orders on his representation dated 08 December 2014 qua issuance of Hindu Kurumans (ST) community certificate to him and his sisters, viz., S. Vijayalakshmi and S. Jayanthi

3 The petitioner, claiming to be belonging to Hindu Kurumans (ST) community, made an application to the second respondent on 08 December 2014, seeking such certificate to himself and his two sisters. The petitioner annexed to his application, copies of community certificates dated 13 June 2011, 10 December 2012 and 10 December 2012 issued to his blood relatives and also the proceedings of the State Level Scrutiny Committee dated 30 August 2010, confirming the community status of his blood relative, viz. R. Suresh. However, the petitioner's application still remains unconsidered. Thus, feeling aggrieved by the inaction on the part of the respondents, the petitioner has come up with the instant writ petition seeking the aforestated relief.

4 We have been repeatedly observing that a community comprises not only the members of a family, but, also the members of the same group or tribe. In the case on hand, when the petitioner's blood relatives have been issued with Kurumans (ST) community certificate and especially, when the community status of the petitioner's one of the relatives, viz., R. Suresh, has been confirmed by the State Level Scrutiny Committee, such certificates do have a high probative value. However, it is well within the power of the competent officer concerned to examine the relationship of the said persons with the applicant.

5 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.

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

2 (1996) 4 SCC 241

6 The learned Special Government Pleader appearing for the respondents submits that a direction may be issued to the respondents to examine the petitioner's application dated 08 December 2014, in the light of the directions issued by this Court in G. Venkitasamy and V. Balasubramaniam (supra).

7 In view of the above submission of the learned Special Government Pleader, it is ordered accordingly. The appropriate order, on merits, shall be passed within a period of eight 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.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1 The District Collector,
District Collector Office,
Singaravelar Maligai, Chennai 600 001.
- 2 The Personal Assistant to the
District Collector of Chennai,
Chennai 600 001.
- 3 The District Revenue Officer,
Triplicane Taluk,
Triplicane, Chennai 600 005.
- 4 The Tahsildar,
Triplicane Taluk,
Triplicane, Chennai 600 005.

+1cc to Mr.P.Murali, Advocate Sr.22685

W.P. No.13355 of 2016

pvs[co]
srg 26/04/2016