

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM:

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

W.P. No.14938 of 2016

N. Maniyampadi

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 petitioner and his children 1. M. Anandhi and M. Madhesh that they belong to Kurumans (ST) community, based upon the community certificate already issued to the family members of the petitioner and also verified by the State Level Scrutiny Committee in Proceedings No.18543/CVIII/2009 dated 06.03.2015.

For Petitioner: Mr. S. Doraisamy

For Respondent: Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondent. With consent, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondent to issue Kurumans (ST) community certificate to the petitioner and his children viz., M. Anandhi and M. Madhesh, based upon the community certificate already issued to the petitioner's paternal uncle, viz., O. Paramasivam,

which has been duly verified and confirmed by the State Level Scrutiny Committee vide proceedings dated 06 March 2015.

3 The petitioner, claiming to be belonging to Kurumans (ST) community, made an application to the respondent on 01 June 2015 seeking issuance of such certificate to himself and his two children, as aforestated. Pursuant thereto, vide enquiry notice dated 10 December 2015, the petitioner was called for an enquiry on 14 December 2015. Accordingly, the petitioner appeared for the enquiry with the required documents, including the proceedings of the State Level Scrutiny Committee dated 06 March 2015, confirming the community status of his paternal uncle, viz., O. Paramasivam. However, subsequently, there has been no progress in the matter. Hence, the instant writ petition seeking the aforestated relief.

4 The learned counsel for the petitioner submits that though the petitioner had furnished all the required documents in support of his claim, when he attended the enquiry on 14 December 2015 pursuant to the enquiry notice, no orders have been passed on his application, contrary to the time schedule fixed by the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹ and also by a Division Bench of this Court 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 - 9².

5 The learned Special Government Pleader appearing for the respondent submits that the petitioner's application will be examined in accordance with law and on its own merits, in the light of the judgment in G. Venkitasamy and V. Balasubramaniam (supra) and particularly, keeping in view the community status of the petitioner's paternal uncle, which stands duly verified and confirmed by the State Level Scrutiny Committee and a decision will be taken, within a period of four weeks.

6 In view of the aforestated submission of the learned Special Government Pleader, it is ordered accordingly. Needless to state that it is open to the authorities to examine the relationship of the petitioner with the said O. Paramasivam, who, according to the petitioner, is his paternal uncle.

1 (1996) 4 SCC 241

2 2016-1-L.W. 289 : (2016) 1 MLJ 606

The writ petition stands disposed of with the above observations. Costs made easy.

cad

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

+ 1 cc to Mr.S.Doraisamy, Advocate Sr 25260

KR/27/4/16

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