

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2016

CORAM:

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

W.P. No.14699 of 2015

P.Mohan

..Petitioner

Vs.

The Revenue Divisional Officer,
Harur, Dharmapuri District.

..Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorairified Mandamus calling for the records relating to the order of rejection passed in proceedings in Pa.Mu.7910/2010(A1) dated 13.04.2015 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the son of the petitioner viz. M.Premnath that he belongs to Kurumans (ST) community based upon the community certificate already issued to the petitioner's daughter, brother which was verified by the State Level Scrutiny Committee by its proceedings No.12227/CVIII/2007 dated 17.12.2013.

For Petitioner : Mr.S.Doraisamy

For Respondent : Ms.T.T.Girija,
Govt. Advocate

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2. Assailing the order of rejection dated 13 April 2015 passed by the respondent and for a direction to the respondent to issue community certificate to his son viz.

M.Premnath that he belongs Kurumans (ST) community based upon the community certificate already issued to his daughter and brother, the petitioner has come up with the instant writ petition.

3. The case of the petitioner is that he belongs to Kurumans (ST) Community and his daughter - M.Reena was issued with community certificate on 15 June 2009. Likewise, his brother P.Sakthivel was also issued with community certificate on 30 August 1994. The community certificate obtained by his brother was also reviewed by the State Level Scrutiny Committee. The State Level Scrutiny Committee, after proper verification, found that the certificate granted to P.Sakthivel was genuine, by proceedings dated 17 December 2013. This order has clear indication that the family members of the petitioner viz., P.Sakthivel, brother of the petitioner and other blood relatives belong to Kurumans (ST) Community. The Revenue Divisional Officer, Harur, while rejecting the application of the petitioner on 13 April 2015, had come to a casual and cryptic conclusion that the documents produced as evidence are obtained on false information given by the petitioner. The respondent/ Revenue Divisional Officer had completely ignored the fact that the certificate issued to other family members viz., the certificate issued to the petitioner's brother was verified and confirmed by the State Level Scrutiny Committee. Thus, there is no reason to take a contrary view without there being any substantial material or reasons.

4.The learned Government Advocate appearing for the respondent submits that it appears that the decision taken by the respondent was not based on the relevant materials.

5.In view of the foregoing, we are of the considered view that the order impugned is liable to be quashed and accordingly, quashed.

6.Resultantly, this writ petition is allowed and the respondent is directed to issue requisite community certificate to the petitioner's son M.Premnath as sought in the application, within a period of two weeks from the date of receipt of a copy of this order. No costs.

mmi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Revenue Divisional Officer,
Harur, Dharmapuri District.

+ 1 cc to Mr.S.Doraisamy, Advocate Sr 19959

KR/6/4/16

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