

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2016

CORAM:

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI

and

THE HON'BLE Mr. JUSTICE V. BHARATHIDASAN

W.P. No.15567 of 2016

P. Nirmala

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 her son G. Manoj Kumar that they belong to Kurichchan (ST) community, based upon the community certificate already issued to the petitioner's husband.

For petitioner Mr. S. Doraisamy

For respondent 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 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 writ of mandamus directing the respondent to issue Kurichchan (ST) community certificate to her and her son G. Manoj Kumar, based upon the community certificate already issued to her husband.

3 The petitioner, claiming to be belonging to Kurichchan (ST) community, made an application to the respondent on 10 February 2016, seeking such certificate to herself and his son.

The petitioner annexed to her application, copy of community certificate dated 20 July 1996, 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 aforesaid 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 husband has been issued with Kurichchan (ST) community certificate, the said certificate does have a high probative value. However, it is well within the power of the competent officer concerned to examine the relationship of the said person with the applicant and her son.

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.

6 The learned Special Government Pleader appearing for the respondent submits that a direction may be issued to the respondent to examine the petitioner's application dated 10 February 2016, 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 respondent shall pass appropriate orders within the time frame stipulated in *G. Venkitasamy and V. Balasubramaniam* (supra), from the date of making of the application, i.e., 10 February, 2016.

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

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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

2 (1996) 4 SCC 241

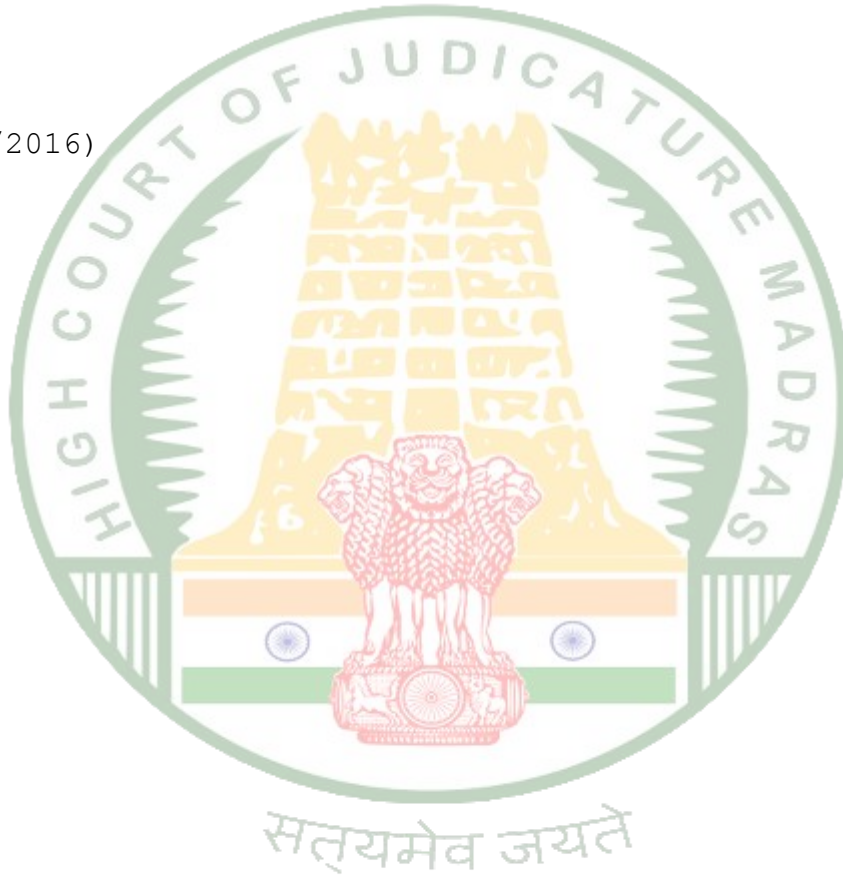
To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1cc to the Government Pleader Sr.26035
+1cc to Mr.S.Doraisamy, Advocate sr.26592

W.P. No.15567 of 2016

gj (CO)
srg (02/05/2016)



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