

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2016

CORAM:

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

W.P. No.15651 of 2016

A. Sivakumar

... 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 viz., 1. S. Tharun Kumar and 2. S. Vinitha that they belong to Kurichchan (ST) community, based upon the community certificate already issued to the petitioner's close relatives.

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 By the instant writ petition, the petitioner, A. Sivakumar, seeks a direction to the respondent to issue Kurichchan (ST) community certificate to himself and his two children viz., S. Tharun Kumar and S. Vinitha, based upon the community certificate dated 08 August 2014, already issued to his cousin by name M.Sivakumar.

3 The petitioner, claiming to be belonging to Kurichchan (ST) community, made an application to the respondent on 04 September 2015, seeking such certificate to himself and his two children. The petitioner annexed to his application, copy of community certificate dated 08 August 2014, issued to his cousin

M. Sivakumar. 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 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 cousin has been issued with Kurichchan (ST) community certificate, such certificate does have a probative value and the same cannot be wished away, unless set aside or cancelled by a higher authority, viz., the State Level Scrutiny Committee. However, it is well within the power of the competent officer concerned to examine the relationship of the said person with the petitioner.

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 Others².

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 04 September 2015, 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 six 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 II)

//True Copy//

Sub Assistant Registrar

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

2 (1996) 4 SCC 241

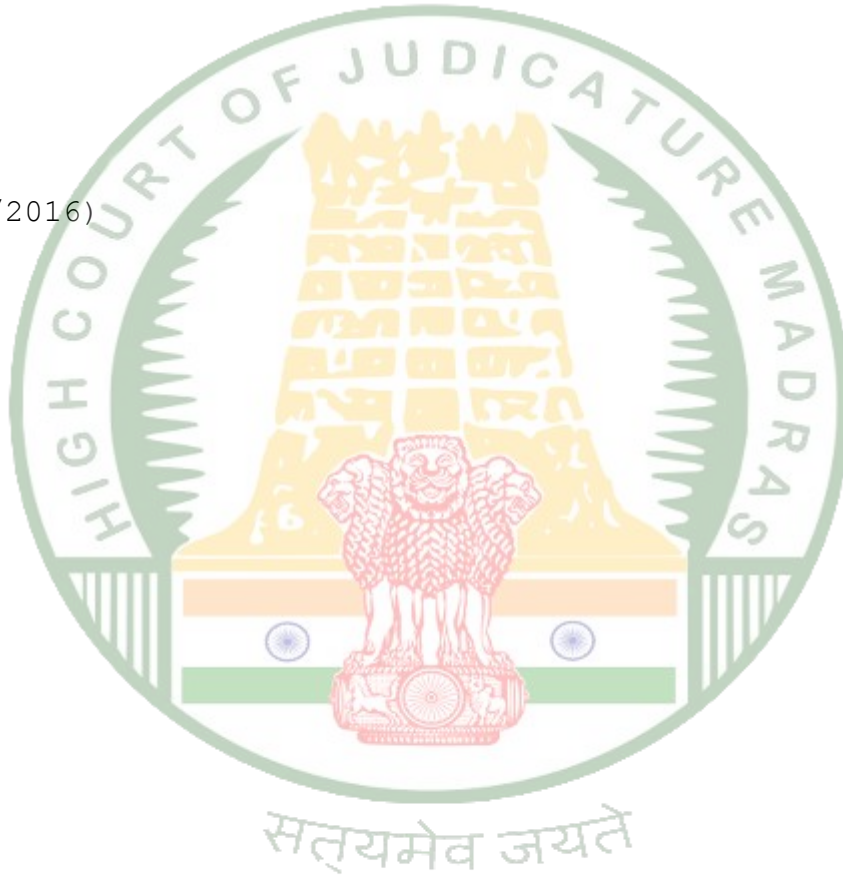
To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1cc to M/S.S.Doraisamy, Advocate Sr.26594

W.P. No.15651 of 2016

ctk(CO)
srg(29/04/2016)



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