

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.15786 of 2016

A. Padmanathan

Petitioner

vs.

1 The Revenue Divisional Officer
Tiruvallur, Tiruvallur District

2 The Revenue Divisional Officer
Ambattur, Tiruvallur District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to issue Hindu Kattunayakan Scheduled Tribe community certificates to the petitioner's daughters viz., P. Akshayalakshmi and P. Vijayabhumika, immediately.

For petitioner Mr. M. Radhakrishnan

For respondents Mrs. T.T. Girija,
Govt. Advocate

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mrs. T.T. Girija, learned Government Advocate, 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 second respondent to issue Hindu Kattunayakan (ST) community certificates to his daughters, viz., P. Akshayalakshmi and P. Vijayabhumika.

3 The petitioner, claiming to be belonging to Hindu Kattunayakan (ST) community, made an application to the first respondent on 02 February 2015, seeking such certificates to his two daughters, as aforesaid. The petitioner annexed to his application, a copy of the community certificate dated 11 May

1987, issued to him, by the Tahsildar, Tuticorin and also, a copy of the communication dated 17 December 1999 of the District Collector, Tuticorin, the then competent authority to verify the genuineness of community certificate, confirming his community status. Albeit by the first respondent's letter dated 17 June 2015, the petitioner has been informed that his application has been forwarded to the second respondent, who is having jurisdiction to deal with the matter, for further action, since then, there has been no action from the side of the second respondent. Thus, feeling aggrieved by the inaction on the part of the second respondent, the petitioner has come up with the instant writ petition, seeking the aforestated relief.

4 The main ground urged by the petitioner is that he has been issued with Hindu Kattunayakan (ST) community certificate and in fact, the same has been confirmed by the District Collector, Tuticorin, the then competent authority. As such, his children also are entitled to such certificates.

5 This Court, examining the aforestated issue, has held in many a decision that if father has been issued with a particular community certificate, then, as a natural corollary, his children also are entitled to such certificates.

6 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.

7 The learned Government Advocate appearing for the respondents submits that a direction may be issued to the second respondent to examine the petitioner's application dated 02 February 2015, in the light of the directions issued by this Court in *G. Venkitasamy and V. Balasubramaniam* (supra).

8 In view of the above submission of the learned Government Advocate, it is ordered accordingly. The appropriate order, on merits, shall be passed within a period of four weeks from the date of receipt of a copy of this order.

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

2 (1996) 4 SCC 241

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

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1 The Revenue Divisional Officer
Tiruvallur, Tiruvallur District

2 The Revenue Divisional Officer
Ambattur, Tiruvallur District

+ 1 cc to Govt. Pleader SR 26829

+ 1 cc to Mr. M. Radhakrishnan, Advocate SR 26535

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