

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM:

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

W.P. No.16546 of 2016

R. Manimegalai

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 mandamus directing the respondent to issue community certificate to the petitioner, her children and her deceased brother's children viz., 1.K.Boopalaram, 2. K. Vasuki Malar, 3. K. Karthick Raja, 4. V. Krishanthi and 5. V. Vetrivel that they belong to Kurumans (ST) community based upon the community certificate already issued to the petitioner's sister and brother.

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, 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 Kurumans (ST) community certificate to her, her children viz., K.Boopalaram, K. Vasuki Malar and K. Karthick Raja and her deceased brother's children, viz., V. Krishanthi and V. Vetrivel, based upon the community certificate already issued to her sister and brother.

3 The petitioner, claiming to be belonging to Kurumans (ST) community, made an application to the respondent on 13 July 2015, seeking such certificate to herself, her children and her

deceased brother's children. The petitioner annexed to her application, copies of community certificates dated 22 July 1996, issued to her own brother and sister, viz., R. Vadivel and R. Jagathammal, respectively. 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 own siblings have been issued with Kurumans (ST) community certificate, as aforestated, the said certificates do have a high probative value. However, it is well within the power of the competent officer concerned to examine the relationship of the said persons with the applicant, her children and her deceased brother's children.

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 13 July 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 respondent shall pass appropriate orders 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 observations. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

cad

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

2 (1996) 4 SCC 241

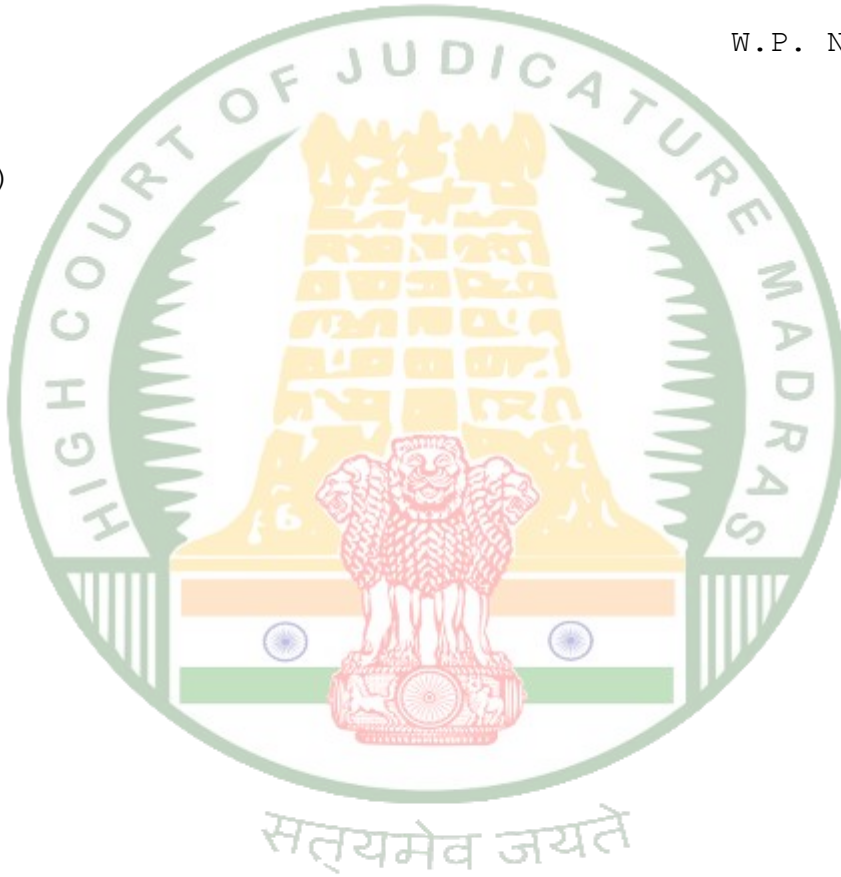
To

The Revenue Divisional Officer
Harur
Dharmapuri District

1 cc to Government Pleader, Sr. 27924
1 cc to Mr.S. Doraisamy, Advocate, Sr. 27852

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