

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2016

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

WP.No.18318 of 2016

D.Karunanithi

... Petitioner

Versus

1.The District Collector
Collectorate,
Chennai 600 001.

2.P.A. [G] to the District Collector
Collectorate,
Chennai 600 001.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents to issue Community Certificate to the petitioner's children, namely, [1]K.Kiran Kishore and [2]K.Sushma that they belong to Kurumans [ST] community based upon the Community Certificate already issued to the petitioner and his brother and also verified by the State Level Scrutiny Committee in proceedings No.3277/CV.2/2010-11 dated 30.03.2015.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.v.Jayprakash Narayanan
Special Government Pleader

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ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner, in the affidavit, filed in support of this writ petition, would contend among other things, that he

belongs to "Kurumans Community" which is classified as a Scheduled Tribe Community and he has also obtained the Community Certificate from the Tahsildar, Perambur, Chennai, on 20.06.1989, stating that he belongs to "Kurumans Community". It is further stated that his own brothers, namely, D.Kuppan as well as D.Panneerselvam, were issued with Community Certificates dated 23.06.1977 and 20.06.1989 respectively, stating that they belong to "Kurumans Community" and that apart, the Community Certificate issued to the petitioner's brother, viz., D.Kuppan, was verified by the Tamil Nadu State Level Scrutiny Committee, and vide report dated 30.03.2015, it has been stated that the Community Certificate issued to the petitioner's brother, D.Kuppan, is genuine and therefore, there cannot be any impediment in directing the 1st respondent to issue Community Certificates to the petitioner's children.

3. Mr.V.Elangovan, learned counsel appearing for the petitioner has drawn the attention of this Court to the affidavit as well as the typed set of documents and would submit that in the light of the overwhelming materials pointed out by the petitioner, there cannot be any impediment on the part of the 1st respondent to verify the Community Certificate already issued to the petitioner and to pass appropriate orders.

4. Per contra, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, accepting notice on behalf of the respondents would submit that the District Collector, Chennai, in turn, has directed the Tahsildar, Ayanavaram, to submit a reply as to the community status of the petitioner and as and when the reply is received from the Tahsildar, Ayanavaram, the 1st respondent would pass appropriate orders as expeditiously as possible.

5. This Court has considered the rival submissions.

6. As rightly contended by the learned counsel appearing for the petitioner, the Tamil Nadu State Level Scrutiny Committee, vide proceedings dated 30.03.2015, has stated that the Hindu Kurumans Scheduled Tribe Community issued to the petitioner's brother, namely D.Kuppan, in Special Register No.1193/77 dated 23.06.1977, is genuine and in the light of the same, there cannot be any impediment on the part of the 1st respondent to consider the said issue and pass orders at an early date.

7. In the result, the writ petition is disposed of and the 1st respondent is directed to consider the claim of the petitioner for issuance of the Community Certificates to his children, namely, K.Kiran Kishore and K.Sushma as expeditiously

as possible and not later than three weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Collectorate,
Chennai 600 001.

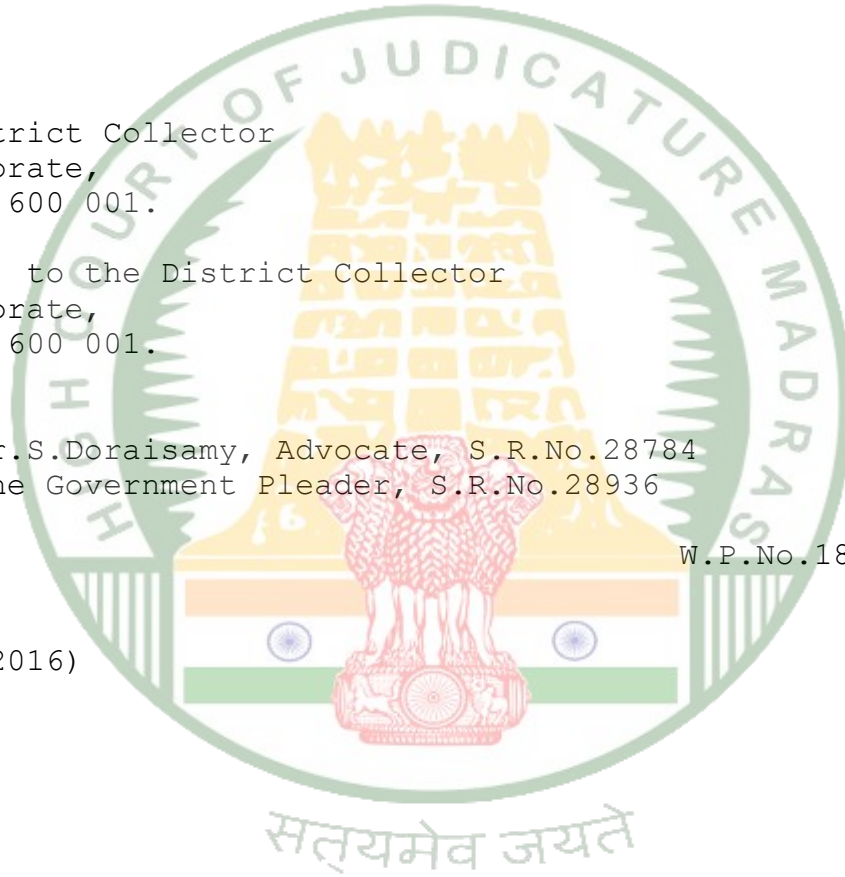
2.P.A. [G] to the District Collector
Collectorate,
Chennai 600 001.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.28784

+1cc to the Government Pleader, S.R.No.28936

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SCD(CO)
CA(03/06/2016)



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