

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.18989 of 2016

S.Vijaya

...Petitioner

Vs.

1.The District Collector
Vellore District
Vellore

2.The Revenue Divisional Officer
Revenue Divisional Office
Ranipet, Vellore District

3.The Tahsildar
Taluk Office, Arcot, Vellore District

4.The Revenue Inspector
Revenue Inspector Office
Arcot, Vellore District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to issue the Community Certificate under Kattunaickan Scheduled Tribes Community based on the petitioner's husband's representation dated 09.07.2012 and consequently quash the order passed by the 2nd respondent in his proceedings in Na.Ka.A6//4166/12, dated 29.12.2014.

For Petitioner : Mr.G.Somasekar

For Respondents : Mr.P.S.Shivashanmugasundaram,
Spl.G.P.

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the 2nd respondent to issue Community Certificate under Kattunaickan Scheduled Tribes Community based on the petitioner's husband's representation dated 09.07.2012 and consequently to quash the order passed by the 2nd respondent in his proceedings in Na.Ka.A6//4166/12, dated 29.12.2014.

2. Heard the learned counsel for the petitioner and Mr.P.S.Shivashamugasundaram, learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 4.

3. In the accompanying affidavit of the Writ Petition, the petitioner has averred that her husband had sent a representation on 09.11.2009 to the 1st respondent seeking to issue community certificate for their two sons namely Senthilkumar and Purushothaman and their grand children namely Vigneshwaran, S/o.Senthilkumar, Jayanthi, D/o.Purushothaman, Magesh, S/o.Purushothaman, Punitha, D/o.Purushothaman and their daughter-in-law Umarani, W/o.Purushothaman. It is further averred that without the community certificate, her children and grandchildren are not able to get the benefits and privileges as provided for the said community by the Government. The petitioner also submits that in this regard, the petitioner's husband filed a Writ Petition No.11014 of 2012 seeking issue of Kattunaickan, Scheduled Tribe Community Certificate for their family members; the said petition was ordered on 20.04.2012 directing the petitioner to submit a fresh application to the second respondent-Revenue Divisional Officer, Ranipet, Vellore District, in terms of the directions issued by the Supreme Court. Thereafter, the 2nd respondent passed the order dated 29.12.2014 stating the they were not able to issue the community certificate in view of the reason of non availability of relevant documents. Hence, according to the petitioner, she once again approached this court by way of the present Writ Petition.

4. We have perused the impugned order dated 29.12.2014, wherein, the reason pointed out by the Revenue Divisional Officer, Ranipet, for not issuing the community certificate is that there is no supporting document available and produced by the petitioner.

5. In the usual course, community certificate will be issued by the Revenue Divisional Officer or Tahsildar on the basis of the records available before him along with enquiry report based on the details collected from the neighbours of the person

claiming a particular community. On the basis of such community certificate issued to a member of a family, it will follow to its successors.

6. The claim of the petitioner that he belongs to Kattunaicken Scheduled Tribes Community has to be ascertained by the concerned authority based on the documents to be produced. It is pointed out in the impugned order dated 29.12.2014 that even though community certificate has been issued to V.Selvaraj on 11.04.1975, the petitioner's husband herein, the authenticity of such certificate cannot be gone into in view of the reason that he obtained voluntary retirement before completion of service and more over since the said V.Selvaraj is no more, no enquiry could be conducted on such aspect.

7. It is relevant to note herein that based on the judgment of Madurai Bench of Madras High Court passed in W.P.(M.D). No.1355 of 2015 dated 05.02.2015, the Secretary to Government, Revenue Department, has issued a Government Order in G.O.Ms.No.235, Revenue [RA3(2)] Department dated 26.06.2015 wherein, the appellate authority for appeal remedy with regard to issue of community certificate in respect of Scheduled Tribes is stated as follows:-

Community	Issuing Authority	Appellate Authority	Redressal of Grievances
Schedule Tribes	Revenue Divisional Officer	District Collector	District Collector & Chairman District Level Vigilance Committee.

8. In view of the above, The District Vigilance Committee headed by the District Collector as a Chairman is the competent authority to decide the matter regarding issue of Kattunaicken Scheduled Tribes community certificate to the petitioner's children and grand children.

9. In the circumstances, it is for the petitioner to exhaust the appellate remedy before the District Vigilance Committee. Accordingly, the petitioner is directed to approach the District Vigilance Committee within one month from the date of receipt of a copy of this order seeking Kattunaicken Scheduled Tribes community certificate to her children and grand children, who in turn, shall hold enquiry and pass suitable orders in accordance with law, within a period of two months thereafter.

10. The Writ Petition is ordered on the above terms. No costs.

nvsri

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector
Vellore District
Vellore
- 2.The Revenue Divisional Officer
Revenue Divisional Office
Ranipet, Vellore District
- 3.The Tahsildar
Taluk Office, Arcot, Vellore District
- 4.The Revenue Inspector
Revenue Inspector Office
Arcot, Vellore District.

+1cc to Mr.G.Somasekar, Advocate S.R.No.30068
+1cc to the Government Pleader, S.R.No.30138

KR/23/6/16

W.P.No.18989 of 2016

सत्यमेव जयते
WEB COPY