

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.3328 of 2016

P. Mahendran

... Petitioner

Vs.

The Revenue Divisional Officer
Thiruvallur
Thiruvallur District

... Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to issue community certificate to the petitioner's children viz., 1. M. Dinesh Kumar and 2. M. Swathy that they belong to Kurumans (ST) community based upon the community certificate already issued to the petitioner and his family members.

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 direction to the respondent to issue Kurumans (ST) community certificate to his children, viz., M. Dinesh Kumar and M. Swathy, on the basis of such certificate issued to him and his family members.

3. The petitioner, claiming to be belonging to Kurumans (ST) community certificate, made an application to the respondent on 12 April 2012, seeking such certificate to his children. Seemingly, the petitioner annexed to the said application, copies of community certificate of himself and his father as well, both issued by the then competent officer, viz., the Tahsildar, Mylapore - Triplicane Taluk, Chennai - 28. Since no response was forthcoming from the respondent, the petitioner addressed two reminders dated 03 June 2013 and 05 January 2015. Yet, there has been no progress in the matter. Thus, feeling aggrieved by the inaction on the part of the respondent even after sending two reminders, 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 and his father have been granted Kurumans (ST) community certificate. As such, his children also are entitled to such certificate.

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

6. Very 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, laid down guidelines in sync with the directions issued by the Supreme Court in *Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others²*.

7. 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 12 April 2012 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 Special Government Pleader, it is ordered accordingly. The appropriate order, on merits, shall be passed within a period of two months from the date of receipt of a copy of this order.

1 2016-1-L.W.289

2 (1996) 4 SCC 241

The writ petition stands disposed of with the above observation sans costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

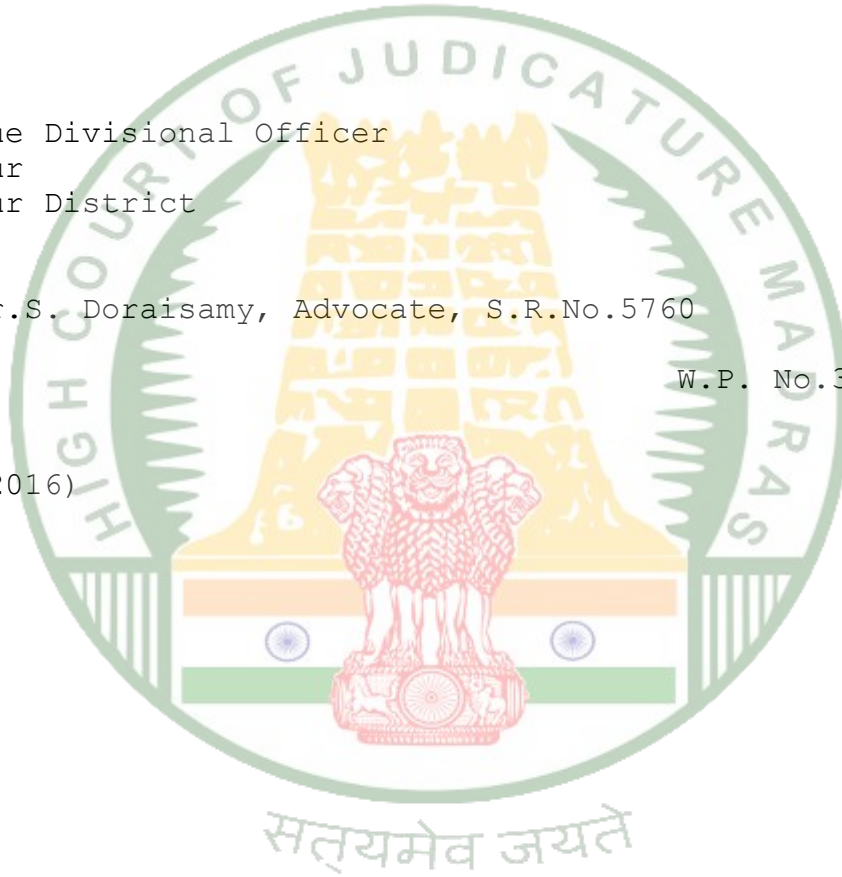
To

The Revenue Divisional Officer
Thiruvallur
Thiruvallur District

+1cc to Mr.S. Doraisamy, Advocate, S.R.No.5760

W.P. No.3328 of 2016

RV(CO)
CA(09/02/2016)



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