

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 15.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE V. PARTHIBAN

W.P.No.40075 of 2016

1. M. Moorthi
2. M. Gunanandhan
3. Minor M. Aarthi
4. Minor M. Swetha
rep. By their father and natural guardian
Mr. Moorthi
5. Minor G. Yazhini
6. Minor G. Hashini
rep. By their father and natural guardian
Mr. Gunanandhan ... Petitioners

-vs-

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District. ... Respondent

PRAYER : Writ Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to issue community certificate to the petitioners that they belong to "Kuichchan (ST) community" as per the application of the petitioner dated 12.08.2016 based upon the community certificate already issued to the 1st petitioner's maternal uncle son K.Rangadurai which was verified by the State Level Scrutiny Committee in proceedings No.11148/CV111/2013 dated 13.02.2015 and pass further orders.

For petitioners : Mr.M.P. Vairakannan
for M/s. S. Doraisamy

For respondent : Mr.P.S. Sivashanmughasundaram
Spl. Government Pleader

O R D E R

(Order of the Court was made by Huluvadi G.Ramesh, J.)

Heard learned counsel for the petitioners and Mr.P.S. Sivashanmughasundaram, learned Special Government Pleader, who takes notice for the respondent.

2. This Writ Petition is filed by the petitioners seeking for a direction, to the respondent, to issue community certificate to the petitioners that they belong to "Kuichchan (ST) community" as per the application of the first petitioner dated 12.08.2016, based upon the community certificate already issued to the 1st petitioner's maternal uncle son K.Rangadurai, which was verified by the State Level Scrutiny Committee in proceedings No.11148/ CV111/2013 dated 13.02.2015.

3. According to the first petitioner, he and his family members belong to 'Kurichchan' community, which comes under Scheduled Tribe. Although the school records of the first and second petitioners clearly indicate that they belong to the said community, they do not possess community certificate. However, the petitioner's maternal uncle son K. Rangadurai has been issued with the community certificate on 26.05.1997, indicating as Scheduled Tribe, after due verification by the State Level Scrutiny Committee and found genuine. It appears that no order has been passed on the representation dated 12.08.2016 of the first petitioner, requesting for issuance of the community certificate to petitioners 2 to 6, though relevant proof documents were enclosed. Therefore, the petitioners are before this Court with the aforesaid prayer.

4. According to the petitioners, they belong to 'Kurichchan' community, which is a Scheduled Tribe community. An application was filed on 12.08.2016 by the first petitioner, for issuance of the community certificate, based on the community certificate issued to his maternal uncle son K. Rangadurai, which is stated to have been verified by the State Level Scrutiny Committee on 13.02.2015 and found genuine. It is further stated that although he has enclosed all the relevant records, neither any enquiry was conducted nor community certificates have been issued. Hence, seeks for a direction to the respondent, for issuance of community certificate to the

children of the first and second petitioners, based on the community certificate of his maternal uncle son K. Rangadurai, which has been issued after due verification and found genuine.

5. It is for the respondent, Revenue Divisional Officer, Dharmapuri District to consider the representation and all other necessary documents filed in proof with the representation, along with the community certificate issued to K. Rangadurai dated 26.05.2007. The respondent is further directed to verify by other means and to do the needful, in accordance with law, in issuance of the community certificate, within a period of three months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of, with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

+1cc to Mr.S. Doraisamy, Advocate, S.R.No.65999
+1cc to the Government Pleader, S.R.No.66152

nr(CO)
md(05/12/2016)

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