

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.41122 of 2016

M.Arumugam

..Petitioner

Vs.

The Revenue Divisional Officer
Dharmapuri Taluk & District

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent to issue the ST Community Certificate to the petitioner's daughters namely A.Sasikala, A.Keerthana, A.Surya as per the petitioner's representation dated 8.1.2016.

For Petitioner :: Mr.M.Thamizhavel

For Respondent :: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

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

Heard Mr.M.Thamizhavel, learned counsel for the petitioner and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, accepting notice on behalf of the respondent.

2. The petitioner, seeks a direction to the respondent to issue ST community certificate to his daughters namely A.Sasikala, A.Keerthana and A.Surya, as per his representation dated 08.01.2016.

3. In the accompanying affidavit filed in support of the Writ Petition, it is stated that the petitioner belongs to Kurumans community, which is recognised as Scheduled Tribe in the SC/ST Community Notification. He applied for the Community Certificate in the Salem Tahsildar Office, which was forwarded to the Salem Revenue Divisional Officer. The respondent sent

summons to the petitioner and the petitioner appeared for enquiry on 13.11.2015 along with all documents. It is further stated that even though the petitioner submitted all the required documents, and inspite of his representation dated 08.01.2016, no steps have so far been taken to issue the community certificate.

4. The learned Special Government Pleader has submitted that the respondent-Revenue Divisional Officer, may be directed to consider the representation of the petitioner and consider the documents produced by him and to pass necessary orders.

5. In view of the above, the respondent/Revenue Divisional Officer, Dharmapuri District, is directed to investigate the application in an open and transparent fashion, affording opportunity of hearing to the petitioner. In which process, as repeatedly held by this Court, the candidate shall have full liberty to explain the documents placed by him or collected by the investigating agency and he shall have opportunity to cross examine the witnesses, if required. The entire exercise shall be completed by the respondent, as stipulated by the Supreme Court, in the case of Kumari Madhuri Patil and another vs. Addl. Commissioner, Tribal Development and Others¹, (1994) 6 SCC 1, and pass necessary orders, within 3 months from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(ccc)

//True Copy//

Sub Assistant Registrar

nvsri

To

1 The Revenue Divisional Officer
Dharmapuri Taluk & District.

+1cc to Mr.M.Thamizhavel, Advocate, S.R.No.68191

+1cc to the Government Pleader, S.R.No.68475

W.P.No.41122 of 2016

pa(co)

pmk.19.1.2017

1 (1994) 6 SCC 1