

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE DR.JUSTICE S.VIMALA

W.P.No.4345 of 2016

1. E.Sankaranarayanan
2. E.Enjammal
3. E.Sivarani .. Petitioners

Vs.

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

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to issue Community Certificate to the petitioners 2 and 3 that they belong to "Kurichchan (ST) Community" as per the application of the petitioner, dated 19.08.2015 based upon the Community Certificate already issued to the first petitioner, which was verified by the State Level Scrutiny Committee in proceedings No.5364/CVIII/2011, dated 13.02.2015.

For petitioners: Mr.V.Elangovan

For respondent: Mr.P.S.Siva Shanmugha Sundaram, Spl.G.P.

ORDER

(The Order of the Court was made by M.Venugopal,J)

This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondent to issue Community Certificate to the petitioners 2 and 3 that they belong to "Kurichchan (ST) Community" as per the application of the petitioner, dated 19.08.2015, based upon the Community Certificate already issued to the first petitioner, which was verified by the State Level Scrutiny Committee in proceedings No.5364/CVIII/2011, dated 13.02.2015.

2. Heard both sides.

3. According to the petitioners, they belong to "Kurichchan Community" (ST Community). It is the case of the first petitioner that he obtained Community Certificate from the respondent on 11.03.1996 and the said Certificate was subjected to verification by the State Level Scrutiny Committee and the

State Level Scrutiny Committee, in its findings, dated 13.02.2015, had concluded that the said Community Certificate is genuine and that the first petitioner belonged to "Kurichchan Community" (ST Community).

4. The stand taken by the petitioners is that the first petitioner's sisters are agriculturists and illiterates and on an earlier occasion, they had not obtained the Community Certificate, since it was not required for them at that point of time and now, the Community Certificate is very much required for them to avail the Government benefits, loan and for election purposes. The first petitioner has preferred an application to the respondent on 19.08.2015 requesting to issue the Community Certificate to his sister Enjammal and Sivarani. It appears that the said application is pending as on date and the same has not been disposed of.

5. The real grievance of the petitioners is that when once the first petitioner's community status is certified by the State Level Scrutiny Committee that he belonged to "Kurichchan Community" (ST Community), the respondent ought to have issued the Community Certificate to his sisters. Unfortunately, that is not done in this case. As such, the petitioners have been forced to project the present Writ Petition before this Court.

6. At this stage, this Court, without going into the merits of the matter in issue, simpliciter directs the respondent to look into the representation of the petitioner, dated 19.08.2015 (based upon the Community Certificate already issued to the first petitioner, which was verified by the State Level Scrutiny Committee in proceedings No.5364/CVIII/2011, dated 13.02.2015) and pass a reasoned and speaking order on merits in a dispassionate manner, after taking into consideration all the relevant attending facts and circumstances of the present case in a conspectus, within a period of four weeks from the date of receipt of a copy of this order. It is abundantly made clear that the respondent shall provide enough opportunity to the petitioners to project their case in support of the application, dated 19.08.2015.

7. With the above observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

CS

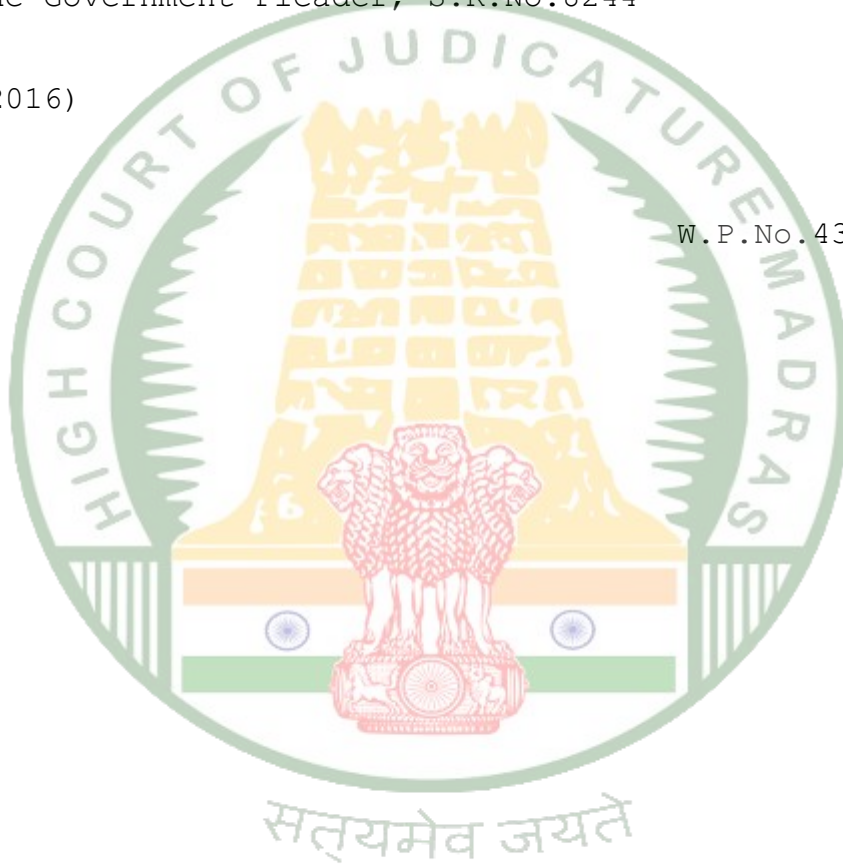
Copy to

The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

+lcc to Mr.S. Doraisamy, Advocate, S.R.No.7721
+lcc to the Government Pleader, S.R.No.8244

SKV(CO)
EU(12/02/2016)

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