

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
and  
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.4630 of 2016

M. Prakash

Petitioner

Vs.

The Sub-Collector  
Hosur 635 109  
Krishnagiri District

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a direction to the respondent to issue community certificates in favour of the petitioner's minor children (1) M.P. Bharat Balaji and (2) M.P. Sahanaa Vaishnavi, as belonging to Kurichchan community, based on the favourable finding rendered by the State Level Caste Scrutiny Committee holding that the petitioner belongs to the Kurichchan community in its proceedings dated 24.03.2015 by issue of a writ of mandamus.

For petitioner Mr. Yogesh Kannadasan

For respondent Mr. P.S. Sivashanmugasundaram  
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, 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 This writ petition is filed seeking a direction to the respondent to issue Kurichchan (ST) community certificate in favour of the petitioner's minor children, viz., M.P. Bharat Balaji and M.P. Sahanaa Vaishnavi, based on the favourable finding rendered by the State Level Scrutiny Committee, holding that the petitioner belongs to Kurichchan community, vide its proceedings dated 24 March 2015.

3 The learned counsel for the petitioner submits that the petitioner's community status that he belongs to Kurichchan (ST) community was verified and certified by the State Level Scrutiny Committee vide proceedings dated 24 March 2015. On the basis of the

said proceedings, a request was made by the petitioner on 01 April 2015, followed by reminders dated 04 May 2015 and 25 November 2015 for issuance of such certificate to his children. Finding no response from the authorities, the present writ petition, seeking the aforesaid relief.

4 In the first request/representation dated 01 April 2015, community certificate was sought for the petitioner's son M.P. Bharat Balaji. Subsequently, in the reminder dated 04 May 2015, again, a request was made for grant of community certificate for the petitioner's aforesaid son. However, in the reminder dated 25 November 2015, the petitioner has requested that community certificate be issued to his daughter by name M.P. Sahanaa Vaishnavi, as well. It is not clear from a perusal of the requests/representations as to whether the documents establishing the petitioner's relationship with his children were enclosed.

5 Be that as it may, the petitioner's application seeking issuance of community certificate, as aforesaid, is under consideration for more than ten months without any action on the part of the officer. This practice of sitting over the file is condemnable, particularly, when the Supreme Court as well as this High Court, in a catena of decisions, has laid emphasis on taking decision in matters pertaining to issuance of community certificates within the prescribed time, i.e., three months.

6 The learned Special Government Pleader submits that on consideration of the petitioner's requests/representations, proper order, on merit, shall be passed at the earliest.

7 In view of the fair submission made by the learned Special Government Pleader, we are inclined to grant four weeks' time to the respondent to consider the petitioner's requests/representations and pass appropriate order as per law and on their own merits. In the meantime, the petitioner is also granted liberty to produce relevant documents to establish his relationship with his children, viz., M.P. Bharat Balaji and M.P. Sahanaa Vaishnavi, within a period of one week.

The writ petition stands disposed of accordingly. Costs made easy.

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Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

The Sub-Collector  
Hosur 635 109  
Krishnagiri District

1 cc to M/s. Yokesh Kanna, Advocate, Sr. 8071  
1 cc to Government Pleader, Sr. 8591

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