

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2016

CORAM:

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

W.P. No.7372 of 2016

M. Shanthi

Petitioner

vs.

The Revenue Divisional Officer
Cheyyar
Thiruvannamalai 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., S. Thiyagu and S.Jeevitha that they belong to "Kattunayakan (ST) community", based upon the community certificate already issued to the petitioner's own sister and brother.

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 This writ petition is filed seeking a writ of mandamus directing the respondent to issue Kattunayakan (ST) community certificate to the petitioner's children, viz., S. Thiyagu and S.Jeevitha, based upon such certificate, already issued to the petitioner's own sister and brother.

3 The petitioner, claiming to be belonging to Kattunayakan (ST) community, made an application to the respondent on 25 May 2015 seeking issuance of community

certificate to her children, as aforestated. Since no orders have been passed on her application, the petitioner has come up with the instant writ petition seeking the aforestated relief.

4 The main ground urged by the petitioner is that her own brother viz., M. Srinivasan and own sister, viz., M. Jayanthi, were granted Kattunayakan (ST) community certificate on 21 June 1983 and 14 June 1993 respectively. As such, her children also are entitled to such certificate.

5 This Court, examining the aforestated issue, has held in a catena of decisions that the community certificates issued to the near/close relatives of an applicant, do have a high probative value. Thus, the same cannot be wished away, but, examined qua relationship.

6 Subsequently, 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 qua issuance of community certificates, in sync with the directions issued by the Supreme Court earlier.

7 Mrs. A. Srijayanthi, learned Special Government Pleader, submits that a direction may be issued to the respondent to examine the petitioner's application dated 25 May 2015, 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 writ petition stands disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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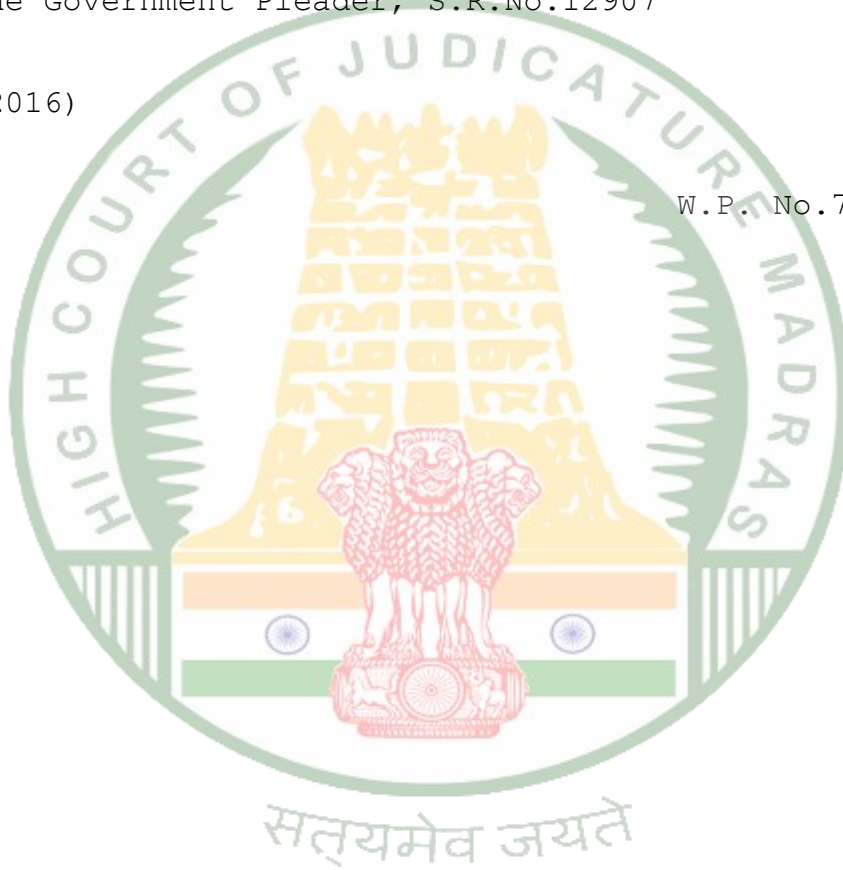
The Revenue Divisional Officer
Cheyyar
Thiruvannamalai District

+1cc to M/s. S. Doraisamy, Advocate, S.R.No.12761

+1cc to the Government Pleader, S.R.No.12907

RSK(CO)
EU(16/03/2016)

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