

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.6743 of 2017

P.Selvan

... Petitioner

Vs.

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondent to consider and pass orders on the application of the petitioner dated 27.01.2016 and issue community certificate to the petitioner's sons viz. 1.Praveen Kumar and 2.Purusoth Kumar that they belong to "Kurichchan (ST) community" based upon the community certificate already issued to the petitioner's own brother Govindaraj.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

K.K.SASIDHARAN, J.

The petitioner submitted application before the Revenue Divisional Officer, Dharmapuri on 27 January 2016, requesting to issue Community Certificates to his children Thiru.Praveen Kumar and Thiru.Purusoth Kumar, indicating that they belong to "Kurichchan", which is a notified Schedule Tribe Community. Since follow up action was not taken by the Revenue Divisional Officer, the petitioner was constrained to file this writ petition.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader on behalf of the respondent.

3. The typed set of papers contained a copy of the application dated 27 January 2016 submitted by the petitioner for Community Certificate. The respondent appears to have not taken any action thereafter either to issue a Certificate or to reject the application on merits. We are therefore of the view that the issue requires consideration by the respondent.

4. The Revenue Divisional Officer, Dharmapuri, the respondent herein is directed to consider and dispose of the application submitted by the petitioner, dated 27 January 2016 for Community Certificate on merits and as per law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. We make it clear that this direction is issued on account of the pendency of the application since long and it should not be construed to be an expression of opinion on the merits of the matter. In short, the application, should be decided in accordance with law and in the light of the settled legal principles in the matter governing the issuance of Scheduled Tribe Certificate.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+lcc to Mr.Doraisamy, Advocate, S.R.No.17149

+lcc to the Government Pleader, S.R.No.17341

W.P.No.6743 of 2017

PVS (CO)
RS (28/03/2017)