

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:09.08.2017

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE P.D.AUDIKESAVALU

W.P.No.21191 of 2017

L.Athipathi .. Petitioner

Vs.

The Revenue Divisional Officer,
Dharmapuri ..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the Respondent to issue Community Certificate to the Petitioner's Children, 1).A.Alaikadal, 2)A.Adalarasu and 3) A.Elaiyanila that they belong to "Kurumans (ST) Community" based upon the Community Certificate already issued to the Petitioner, his father, his brother L.Pushparaj's children as per the Order passed in W.P.No.9512 of 2015 dated 13.07.2015.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.K.V.Dhanapalan
Special Government Pleader

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal.

2. The Petitioner has filed the Writ Petition praying for passing of an order by this Court in directing the Respondent to issue Community Certificate to his Children, namely 1). A.Alaikadal, 2)A.Adalarasu and 3)A.Elaiyanila that they belong to "Kurumans (ST) Community" based upon the Community Certificate already issued to him, his father, his brother L.Pushparaj's children, as per the Order passed in W.P.No.9512 of 2015 dated 13.07.2015.

3. The grievance of the Petitioner is that he has three children, by name, A.Alaikadal (Studying in IXth Standard, aged about 14 years), A.Adalarasu (Studying in VII Standard, aged about 13 years) and A.Elaiyanila (Studying in VI Standard, aged about 11 years and in view of the fact that the school authorities have directed them to produce the Community Certificate, he preferred an Application to the Respondent / R.D.O., Dharmapurai praying for issuance of Community Certificate to his children stating that they belong to 'Kurumans Community' together with the Application, the Petitioner has enclosed the following documents:

1. The Petitioner's Community Certificate issued by the Respondent.
2. The Petitioner's School Transfer Certificate.
3. The Petitioner's Father's Community Certificate.
4. The Petitioner's own Brother's Community Certificate.
5. The Petitioner's close blood relatives Community Certificates.
6. Sale Deed.

4. It comes to be known that the Respondent / R.D.O., Dharmapuri had forwarded the Petitioner's Application to the Tahsildar, Pennagaram on 30.06.2017 to conduct an enquiry and submit a report, but till date, no enquiry was conducted and no Community Certificate was issued by the Respondent so far. In this connection, the Learned Counsel for the Petitioner seeks in aid of the decision of the Order passed by this Court in W.P.No.9512 of 2015 dated 13.07.2015 whereby and whereunder at Paragraph Nos. 3 and 4, it is observed as under:

"3. We have examined all the documents enclosed with the writ petition. It is noticed that the certificates were issued in favour of the petitioner and his father and his brother by the competent officer. It is not the case of the respondent that the said certificates have been found as sham and bogus by the higher authorities. In that view of the matter, there is no reason to reject the application of the petitioner on aforesaid ground, which may not sustain in view of the proper certificates issued to the father, uncle and grandfather by the competent authority.

4. For the reasons stated above, we set aside the order passed by the respondent dated 09.02.2015 and direct the respondent to issue a necessary community certificate forthwith, preferably within a period of one week from the date of receipt of the copy of this order."

5. At this juncture, the Learned Special Government Pleader appearing for the Respondent / R.D.O., Dharmapuri informs this

Court that the Respondent would dispose of the Petitioner's Application dated 23.06.2017 within a period of four weeks from the date of receipt of copy of this Order.

6. Considering the limited prayer sought for by the Petitioner in the present Writ Petition and also this Court taking note of the attendant facts and circumstances of the case in an integral manner, at this stage, simpliciter directs the Respondent to dispose of the Petitioner's Application dated 23.06.2017 praying for issuance of Community Certificate to his

children within a period of four weeks from the date of the receipt of copy of this Order. It is open to the Petitioner to raise all factual and legal pleas before the Respondent and to seek redressal of his grievances in the manner known to Law and in accordance with Law, if he so desires / advised. It cannot be gainsaid that the Respondent shall provide adequate opportunity to the Petitioner by adhering to the 'Principles of Natural Justice'. Soon after disposal of the Application of the Petitioner dated 23.06.2017, the Respondent / R.D.O., Dharmapuri shall send a compliance report by addressing a communication to the Registrar Judicial of this Court without fail.

With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

ssd
To

1. The Revenue Divisional Officer,
Dharmapuri

2. The Registrar Judicial,
High Court, Madras
(For favour of Information and
necessary followup action)

+1 CC to Mr.S. Doraisamy, Advocate sr 57463

+1 CC to Govt. Pleader sr 57930.

W.P.No.21191 of 2017

SJ(CO)
sp(29/08/2017)