

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.06.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.16502 of 2016

R.Nagarajan

...Petitioner

vs.

1.The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

2.The State Level Scrutiny Committee
Adi Dravidar & Tribal Welfare Department
Secretariat, Chennai - 9.

..Respondents

(R2 suo motu impleaded as per order dated 17.04.2017)

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus, calling for the records relating to the order of rejection passed in proceedings No.Na.Ka.9139/2015/A4 dated 20.11.2015 on the file of the respondent quash the same and direct the respondent to issue Community Certificate to the petitioner's children by name 1) N.Madhubala, 2) N.Devibala and 3) N.Jayasurya that they belong to "Kurumans (ST) Community" based upon the Community Certificate already possessed by the petitioner dated 09.04.1998 by the respondent.

For Petitioner : Mr.S.Doraisamy
For Respondents : Mr.K.Dhananjeyan
Spl.Government Pleader

O R D E R

K.K. SASIDHARAN, J.

The application submitted by the petitioner for issuance of Community Certificate to his three children was rejected by the Revenue Divisional Officer, Dharmapuri by order dated 20 November, 2015, primarily on the ground that his Community Certificate has already been cancelled by the State Level Scrutiny Committee by order dated 16 May 2011, without noting

the material fact that the said order has already been set aside by the High Court in W.P.No.16983 of 2011. Feeling aggrieved by the order rejecting the application for Community Certificate, the petitioner is before us.

2. The learned counsel for the petitioner contended that the Revenue Divisional Officer, Dharmapuri, without verifying the file, mechanically rejected the application on the ground that the Community Certificate of the petitioner has already been cancelled by order dated 16 May 2011. According to the learned counsel, the issue relating to the cancellation of the Community Certificate of the petitioner is still pending on the file of the State Level Scrutiny Committee and as such, the Revenue Divisional Officer was not correct in rejecting the application on the said ground.

3. We have also heard the learned Special Government Pleader on behalf of the respondents.

4. The petitioner submitted application for issuance of Community Certificates to his children before the Revenue Divisional Officer, Dharmapuri. The Revenue Divisional Officer, rejected the application on the basis of the order passed by the State Level Scrutiny Committee dated 16 May 2011 cancelling the Community Certificate issued to the petitioner. While rejecting the application on the strength of the order dated 16 May 2011, the Revenue Divisional Officer failed to take into account the material fact that the order dated 16 May 2011, has already been set aside by the High Court. By order dated 03 November, 2011, in Writ Petition No.16983 of 2011, the High Court directed the State Level Scrutiny Committee to consider the matter afresh and pass orders. We are informed that the matter is still pending before the State Level Scrutiny Committee. Since, the order dated 16 May 2011, has already been set aside by the High Court and the matter is pending before State Level Scrutiny Committee for afresh consideration, the Revenue Divisional Officer was not correct in placing reliance on the said order for the purpose of rejecting the claim made by the petitioner for issuance of Community Certificate for his children. We are therefore, of the view that the impugned order is liable to be set aside.

5. In the result, the order dated 20 November 2015, on the file of the Revenue Divisional Officer, Dharmapuri is set aside. The matter is remitted to the Revenue Divisional Officer for fresh consideration.

6. The matter is now pending before the State Level Scrutiny Committee. We direct the State Level Scrutiny Committee to comply with the order passed by this Court in WP.No.16983 of 2011 as expeditiously as possible and in any case, on or before

31 August 2017. The State Level Scrutiny Committee shall forward a copy of the order to the Revenue Divisional Officer, Dharmapuri, immediately after passing orders. There shall be a further direction to the Revenue Divisional Officer to take up the application submitted by the petitioner for Community Certificate thereafter, and decide the matter on merits. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of the order from the State Level Scrutiny Committee.

The Writ petition is allowed as indicated above. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dna/gms
To

- 1.The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.
- 2.The State Level Scrutiny Committee
Adi Dravidar & Tribal Welfare Department
Secretariat, Chennai - 9.

+1cc to Mr.S.Duraisamy, Advocate Sr.41881

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W.P.No.16502 of 2016

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