

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM

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

W.P. No.26788 of 2015

R.Pandurangan

...Petitioner

Vs.

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the order of rejection passed by the respondent in Na.Ka.8640/2014/A4 dated 09.02.2015 quash the same and direct the respondent to issue the community certificate to the petitioner and his children viz. 1) P. Pushparangan, 2)P. Jeevika and P. Thirumalaivasan that they belong to Kurichchan (ST) Community.

For Petitioner : Mr. S.Doraisamy

For Respondent : Mr. A.Kumar, Spl.G.P.

सत्यमेव जयते
O R D E R

K.K. SASIDHARAN, J.

The challenge in this writ petition is to the order dated 09 February 2015 on the file of the Revenue Divisional Officer, Dharmapuri, rejecting the application submitted by the petitioner for issuance of community certificates to his children.

2. The petitioner, claiming that he belongs to Kurichchan Community, which is notified as a Scheduled Tribe, submitted application before the Revenue Divisional Officer for issuing certificates to his children P.Pushparangan, P.Jeevika

and P.Thirumalaivasan. Before the Revenue Divisional Officer, the petitioner contended that his near relatives were the beneficiaries of Scheduled Tribe Certificates and as such, he is entitled to a similar certificate for his children. The Revenue Divisional Officer appears to have conducted local enquiry and ultimately rejected the claim. Feeling aggrieved by the said order, the petitioner has come up with this writ petition.

3. The learned counsel for the petitioner contended that one of the near relative of the petitioner by name Thiru.E.Sankaranarayanan, was earlier issued with a certificate indicating that he belongs to Kurichchan Community. However, the respondent failed to consider the said document and the same resulted in rejecting the application. The learned counsel has produced a copy of the Scrutiny Committee report relating to the community status of Thiru.E.Sankaranarayanan and an affidavit sworn to by him to prove the relationship. The learned counsel therefore, seeks a direction to the respondent to consider the matter afresh.

4. We have also heard the learned Special Government Pleader for the respondent.

5. The petitioner submitted an application for Community Certificate on the strength of his School Certificate, a sale deed and the Anthropologist's report submitted by Dr.Jakka Parthasarathy, indicating the particular features of the community in question. The Revenue Divisional Officer appears to have conducted local enquiry and arrived at a finding that the Kurichchan Community members are not residing in the locality in question. The Revenue Divisional Officer observed that the petitioner failed to produce any documents relating to the year 1970 or before to prove his status. According to the Revenue Divisional Officer, the school entries cannot be taken as conclusive materials to prove the community status. The proceedings of the Scrutiny Committee relating to the community status of Thiru.E.Sankaranarayanan is found in the file produced by the learned Special Government Pleader. However, there is nothing to show that the Community Certificate of Thiru.E.Sankaranarayanan was produced before the Revenue Divisional Officer. Similarly, there is nothing on record to show that the petitioner produced documents indicating his relationship with Thiru.E.Sankaranarayanan. Now that the petitioner has produced the Scrutiny Committee report of Thiru.E.Sankaranarayanan and an affidavit sworn to by him, necessarily the issue requires to be considered afresh.

6. We therefore, set aside the impugned order dated 09 February 2015 and remitt the matter to the respondent for fresh consideration. The petitioner is directed to produce the Community Certificate of Thiru.E.Sankaranarayanan. The

petitioner should also produce acceptable materials to show that Thiru.E.Sankaranarayanan is his near relative and that the community certificate has got relevance for deciding his community status. In any case, it is for the Revenue Divisional Officer to consider all the materials and arrive at a decision on merits and as per law. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

6. The writ petition is allowed as indicated above. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1 CC to Mr.S. Doraisamy, Advocate sr 24013

+1 CC to Govt. Pleader sr 24130

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GJ (CO)
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