

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:21.07.2017

Coram

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

W.P.No.18574 of 2017

K.Samboornam

.. Petitioner

Vs.

The Revenue Divisional Officer,
Mettur Taluk, Salem District.

..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 namely viz., 1) K.Karthic, 2)K.Poovarasam, that they belong to "Kurumans (ST) Community" based the petitioners community certificate and his paternal brother's and sister's.

For Petitioner : Mr.R.K.Gandhi

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 the Learned Counsel for the Petitioner and Mr.K.V.Dhanapalan, Learned Special Government Pleader accepts notice on behalf of the Respondent. With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.According to the Petitioner, he belongs to 'Kurumans (ST) Community, being classified as Scheduled Tribe Community. He had obtained the Community Certificate from the Tahsildar, Omalur, Salem District, who was the Competent Authority, at that point of time on 18.11.1988, to the effect that he belongs to 'Kurumans (ST)' Community. As a matter of fact, the aforestated community certificate was issued to him after due enquiry.

3.The crystalline stand of the Petitioner is that the certificate issued in his favour dated 18.11.1988 by the

Tahsildar, Omalur, Salem District is still valid and the same till date is not cancelled by any authority. In this connection, the Petitioner seeks in aid of the 'Kurumans (ST) Community Certificate' issued in favour of his paternal brothers one M.Raghu Kumar S/o.Madhaiyan and M.Ramkumar, who had obtained the said certificates from the Revenue Divisional Officer on 12.11.2013 respectively.

4.At this stage, the Learned Counsel for the Petitioner submits that the School Authorities are insisting upon him to produce the community certificates to and in favour of his two sons 1) Karthic 2)Poovarasana, studying in Higher Secondary Course and therefore, he had preferred an application on 16.03.2017 seeking for issuance of 'Kurumans (ST) Community Certificate' in favour of his children.

5.The core grievance of the Petitioner is that no enquiry was conducted by the Respondent in regard to the application dated 16.03.2017 submitted by him before the Respondent and therefore, he left with no other alternative, but speedy remedy to approach this Court under Article 226 of the Constitution of India by way of a Writ of Mandamus claiming appropriate relief. Also that, it is the contention of the Learned Counsel for the Petitioner that the Petitioner was running from Pillar to post to obtain the Kurumans (ST) Community Certificate to and in favour of his children, but it ended in vein.

6.At this juncture, the Learned Special Government Pleader for the Respondent fairly submits that the Respondent would take necessary steps to dispose of the representation of the Petitioner dated 16.03.2017 seeking for issuance of community certificate in favour of his children within a time frame to be determined by this Court.

7.Having regard to the respective contentions projected on either side and also this Court taking note of the prime fact that the Petitioner only seeks for issuance of a direction by this Court in directing the Respondent to issue community certificate to his children, based on his application/representation addressed to the Respondent dated 16.03.2017 and also this Court bearing in mind yet another vital fact that the said application/representation dated 16.03.2017 is not yet disposed of, this Court, on the basis of Equity, Good Conscience and even as a matter of prudence, directs the Respondent to look into the representation of the Petitioner dated 16.03.2017 praying for issuance of Kurumans (ST) Community Certificate to his children and to dispose of the same on merits within a period of four weeks from the date of receipt of copy of this order. Liberty is granted to the Petitioner to furnish even a copy of the representation dated 16.03.2017 addressed to the

Respondent, coupled with the documents 1 to 15 that he relies upon has made mention of in para 4 of his Affidavit in the Writ Petition. The Respondent shall pass necessary orders within the time frame determined by this Court, of course, in a fair, free, unbiased and dispassionate manner uninfluenced and untrammelled with any of the observations made by this Court in this Writ Petition. It is needless for this Court to make a pertinent mention that the Respondent shall adhere to the Principles of Natural Justice in providing necessary opportunity to the Petitioner to establish his claim, as projected by him in his representation dated 16.03.2017. The Respondent, after complying with the order of this Court in disposing of the representation of the Petitioner dated 16.03.2017 within the time determined by this Court, shall send a Report of Compliance addressed to the Registrar (Judicial) of this Court.

8. With the aforesaid observation and direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Revenue Divisional Officer,
Mettur Taluk,
Salem District.

2. The Registrar (Judicial)
High Court, Madras.
(For information and necessary
follow up action)

+1cc to Mr. R.K. Gandhi, Advocate SR.No.51855
+1cc to Government Pleader SR.No.51973

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RR(CO)
GN(10/08/2017)