

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.29090 of 2017

and

WMP.No.31331 of 2017

Govindaraju

... Petitioner

-Vs-

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of rejection passed in proceedings in Na.Ka.No.10697/2016/KO-3 dated 25.07.2017 on the file of the 1st respondent confirming the order of rejection passed in proceedings in Na.Ka.No.10229/2015/A4 dated 03.03.2016 on the file of the 2nd respondent, quash the same and direct the respondents to issue community certificate to the petitioner's sons viz., 1.G.Ezhilarasan and 2.G.Nirmal Kumar that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner and his brother Samraj.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.S.N.Parthasarathy
Government Advocate

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

This writ petition has been filed to call for the records relating to the order of rejection passed in proceedings in Na.Ka.No.10697/2016/KO-3 dated 25.07.2017 on the file of 1st

respondent confirming the order of rejection passed in proceedings in Na.Ka.No.10229/2015/A4 dated 03.03.2016 on the file of 2nd respondent, quash the same and direct the respondents to issue Community Certificate to the petitioner's sons viz., 1.G.Ezhilarasan and 2.G.Nirmal Kumar that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner and his brother Samraj.

2. Case of petitioner is that petitioner and his family members belong to Hindu Kurumans Community, which is recognised as a Scheduled Tribe Community. Petitioner and his brother Samraj obtained Community Certificates as belonging to Scheduled Tribe from the second respondent on 04.03.1996. Petitioner preferred an application to second respondent on 01.06.2015 requesting issue of Community Certificate to the petitioner's sons. Since no order was passed on petitioner's application, Petitioner filed WP No.30732 of 2015 and this Court, by order dated 30.09.2015, directed second respondent to consider and pass orders on petitioner's application, within a period of six weeks. On 03.03.2016, second respondent passed an order, rejecting the petitioner's application holding that he does not belong to Kurumans Community. Against the order of rejection, petitioner filed WP No.29138 of 2016 and this Court, under orders dated 22.08.2016, directed the District Collector to conduct enquiry and pass orders within a period of eight weeks. First respondent herein, without affording any opportunity to petitioner, passed an order of rejection on 25.07.2017 stating that petitioner and his relatives belong to Kurumbar Community. Challenging the said order, petitioner has filed the present writ petition.

3. Heard learned counsel for petitioner and learned Government Advocate for respondents.

4. Through production of Community Certificates dated 04.03.1996 issued by Revenue Divisional Officer, Dharmapuri in favour of petitioner and his brother M.Samraj, Sons of Madhu, petitioner is able to establish that he belongs to Scheduled Tribe by name Kurumans. Hence, it would follow that petitioner's children would be entitled to issue of Community Certificates informing them to be members of such Community.

5. Accordingly, we would direct the second respondent to issue Certificates of the petitioner's children viz., 1.G.Ezhilarasan and 2.G.Nirmal Kumar as belonging to "Kurumans" classified as Scheduled Tribe community, within a period of one month from the date of receipt of a copy of this order.

6. Should the respondents have reason to doubt the genuineness of the Community Certificates held by the petitioner as also his brother, it is for them to move the State Level Scrutiny Committee there regards.

7. With the above directions and observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

kmi

To

- 1.The District Collector,
Dharmapuri,
Dharmapuri District.
- 2.The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District

+1cc to Mr.S.Doraisamy, Advocate SR.No.90940
+1cc to Government Pleader SR.No.91437

W.P.No.29090 of 2017

MR(CO)
GN(08/01/2018)

सत्यमेव जयते

WEB COPY