

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.29091 of 2017
and
WMP.No.31332 of 2017

B.Chandra
Petitioner

...

-Vs-

1. The 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 proceedings in Na.Ka.No.18276/2016 (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.6245/2013/A4 dated 10.07.2015 on the file of the 2nd respondent, quash the same and direct the respondents to issue community certificate to the petitioner's children viz., 1.K.Aswin Kumar and 2.K.Sindu Sri that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner and her own brother.

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 Na.Ka.No.18276/2016 (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.6245/2013/A4 dated 10.07.2015 on the file of the 2nd respondent, quash the same and direct the respondents to issue community certificate to the petitioner's children viz., 1.K.Aswin Kumar and 2.K.Sindu Sri to the effect that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner and her brother.

2. Case of petitioner is that petitioner and her family members belong to Kurumans Community, which is a Scheduled Tribe Community. Petitioner and her brothers viz., B.Tamilselvan and B.Saravanan obtained Community Certificates from second respondent on 21.05.1996. Petitioner preferred an application to second respondent on 03.11.2014 requesting issue of Community Certificate to her children. On 10.07.2015, second respondent rejected petitioner's application. As against the order of rejection, petitioner filed WP No.25252 of 2015 and this Court, by orders dated 01.09.2016, directed petitioner to seek remedy before District Level Verification Committee by way of an appeal and also directed such Committee to consider the same and pass orders, within a period of four weeks. Hence, Petitioner preferred an appeal on 26.09.2016 before first respondent. On 25.07.2017, first respondent herein, without affording any opportunity to petitioner, passed an order of rejection on 25.07.2017 stating that petitioner and her relatives belonged to Kurumbar Community. Challenging the said order of rejection, petitioner filed the present writ petition.

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

4. Through production of Community Certificates dated 21.05.1996 issued by Revenue Divisional Officer, Dharmapuri in favour of petitioner and her brothers B.Saravanan and B.Tamilselvan, petitioner is able to establish that she 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 direct 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 her 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 Collector,
Dharmapuri,
Dharmapuri District.
2. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.90941

+1cc to the Government Pleader, S.R.No.91436

W.P.No.29091 of 2017

MR(CO)

RRK(08/01/2018)

सत्यमेव जयते

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