

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.29107 of 2017

Muthukumar (Minor)
S/o.B.P.Sasikumar

.... Petitioner

(Minor petitioner
through his father and
natural guardian
Mr.Sasikumar)

vs.

1.The State,
Rep by its Secretary,
Adi Dravidar and Tribal Welfare,
Secretariat,
Fort Saint George,
Chennai 600 009.

2.The Collector,
Nilgiris District,
Udhagamandalam.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Udhagamandalam,
The Nilgiris.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the third respondent, the Revenue Divisional Officer, Udhagamandalam to issue the Community Certificate as Hindu Malaivedan Community recognized as Scheduled Tribes to the

petitioner as per G.O.Ms.No.1773/SWD dated 23.06.1984 SC/ST Orders (Amendment Act, 1976 vide Serial No.22 on the petition of the petitioner dated 07.07.2017.

For Petitioner : Mr.S.Radhakrishnan

For Respondents : Mr.S.N.Parthasarathy
(Govt. Advocate)

O R D E R

(Order of the Court was made by C.T.SELVAM,J.)

This writ petition has been filed seeking a direction to 3rd respondent, Revenue Divisional Officer, Udhagamandalam to issue Community Certificate as Hindu Malaivedan Community recognized as Scheduled Tribes to petitioner as per G.O.Ms.No.1773/SWD dated 23.06.1984 SC/ST Order (Amendment Act, 1976 vide Serial No.22.

2.According to petitioner, he belongs to Hindu Malaivedan Community and is living in Pannimaram and Tattaneri Village, Udhagamandalam Taluk. The Sub Collector, Coonoor has issued permanent community certificate to father of petitioner and also issued permanent community certificate No.36003323, dated 09.02.1995 to petitioner as belonging to Schedule Tribe as per G.O.Ms.No.1773/SWD, dated 23.06.1984. Government has also issued identity card to each family of Pannimaram and Tattaneri village, all of whom are related, in the year 1997.

3.The grievance of petitioner is that even though he approached 3rd respondent, Revenue Divisional Officer, Udhagamandalam, by petition dated 07.07.2017, 3rd respondent has not acted upon the same.

4.The learned counsel for petitioner submits that as per the SC & ST orders (Amendment) Act 1976, petitioner's community viz., Hindu Malaivedan is classified as Schedule Tribe and it is for 3rd respondent to issue community certificate in this regard.

5.Mr.S.N.Parthasarathy, learned Government Advocate, who accepts notice on behalf of respondents 1 to 3, submits that a direction may be issued to 3rd respondent, Revenue Divisional Officer, Udhagamandalam, the Nilgiris, to pass appropriate orders on the petition submitted by petitioner.

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6.Considering the facts and circumstances of the case and also the submission made by learned counsel on either side, 3rd respondent, Revenue Divisional Officer, Udhagamandalam, The Nilgiris shall verify the petition dated 07.07.2017 said to have been submitted by petitioner and consider the case of petitioner with regard to issuance of permanent community certificate as per G.O.Ms.No.1773/SWD dated 23.06.1984 SC and ST orders (Amendment) Act, 1976. Petitioner shall also submit all documents/certificates which are necessary for consideration and verification of community status by Revenue Divisional Officer. The Revenue Divisional Officer, Udhagamandalam, on satisfaction of documents submitted by petitioner with regard to community certificate status, shall pass appropriate orders in accordance with law within two weeks from the date of production of a copy of this order by petitioner.

7.The writ petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cla

To:

1.The Secretary,
Adi Dravidar and Tribal Welfare,
Secretariat,
Fort Saint George,
Chennnai 600 009.

2.The Collector,
Nilgiris District,
Udhagamandalam.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Udhagamandalam,
The Nilgiris.

4.The Sub Collector Coonor
+1 cc to Mr.S.Radhakrishnan Advocate sr 82924
+1 cc to the Govt Pleader sr 83686

W.P.No.29107 of 2017

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