

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WRIT PETITION No.9696 of 2018

1. Logaminnala
2. Chikkaiyan
3. C.Harish
4. C.Indumathi
5. C.Ruba
6. Minor Shanuksha

Reb by his father and Natural
Guardian C.Harish

... Petitioners

Vs.

The Revenue Divisional Officer,
Dharmapuri.

... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondent to issue Community Certificate to the Petitioners that they belong to Kurumans (ST) Community, based upon the Community Certificate already issued to the 1st Petitioner's father, brothers and close relatives, as per the orders passed in W.P.No.9512 of 2015, dated 13.07.2015.

For Petitioners : Mr.V.Elangovan,

For Respondent : Mr.K.Rajendra Prasad,
Additional Government Pleader

O R D E R

(Order of the Court was made by R.SUBBIAH, J.)

This Writ Petition has been filed by the Petitioners praying for the issuance of a Writ of Mandamus directing the Respondent to issue Community Certificate to them that they belong to Kurumans (ST) Community, based upon the Community

Certificate already issued to the 1st Petitioner's father, brothers and close relatives, as per the order of this Court dated 13.07.2015 made in W.P.No.9512 of 2015.

2. According to the 1st Petitioner, the 2nd Petitioner is her husband, the 3rd Petitioner is her son and Petitioners 4 and 5 are her daughters and that the 6th Petitioner is the minor daughter of the 3rd Petitioner. In the Writ Petition, the 1st Petitioner has averred that the Petitioners belong to Kurumans Community, which is a Scheduled Tribe Community. The 1st Petitioner preferred an Application to the Respondent on 10.07.2013, requesting to issue Community Certificate to herself, her husband, her son and daughters that they belong to Kurumans (ST) Community. Her Application was kept pending for two years without any progress and it was rejected by the Respondent on 10.07.2015, by holding that the Petitioners do not belong to Kurumans Community.

3. Aggrieved by the said order, Petitioners 1 to 5 filed a Writ Petition in W.P.No.27664 of 2015. When the said Writ Petition came up for hearing on 10.09.2015, the learned Government Advocate, on instructions, submitted that the impugned order dated 10.07.2015, is decided to have been recalled. Hence, the said Writ Petition was closed and the Respondent was directed to complete the enquiry within a period of six weeks. Thereafter, the Respondent issued notice to the 1st Petitioner on 02.12.2015 to appear for an enquiry to be held on 04.12.2015. Accordingly, the 1st Petitioner appeared for the enquiry and submitted the following documents:

(i) Community Certificate of Lakshmanan, dated 10.07.1997, who is the 1st Petitioner's father

(ii) Community Certificate of L.Pushparaj, dated 10.07.1997, who is the 1st Petitioner's elder brother

(iii) Community Certificate of L.Athipathy, dated 10.07.1997, who is the 1st Petitioner's younger brother

(iv) Community Certificate of Arulvel, dated 04.08.2015, who is the 1st Petitioner's elder brother L.Pushparaj's son

(v) Community Certificate of Dhanasekaran, dated 04.08.2015, who is the 1st Petitioner's elder brother L.Pushparaj's son

(vi) Community Certificate of Ulaganambi, dated 31.01.1994, who is the 1st Petitioner's mother's brother's son

(vii) Community Certificate of M.Elavarasu, dated 11.02.1994, who is the 1st Petitioner's mother's brother's son

(viii) Community Certificate of M.Eswari, dated 11.02.1994, who is the 1st Petitioner's mother's brother's daughter.

(ix) Order passed in W.P.No.9512 of 2015, dated 13.07.2015

4. It is further stated by the 1st Petitioner that the above Certificates are valid and not cancelled by any authority. According to the 1st Petitioner, since her husband, the 2nd Petitioner herein is uneducated, he did not obtain any Certificate. She goes on to state that her own brother, viz. L.Pushparaj preferred an Application to the Respondent requesting issuance of Community Certificate to his children. The said claim was rejected by the Respondent and hence, challenging the same, the 1st Petitioner's brother filed a Writ Petition in W.P.No.9512 of 2015, wherein, by an order dated 13.07.2015, this Court had set aside the order dated 09.02.2015 passed by the Respondent therein, with a direction to the Respondent to issue necessary Community Certificate to the 1st Petitioner's brother and his blood relatives, within a period of one week from the date of receipt of a copy of the order.

5. Pursuant thereto, on 04.08.2015, the order of this Court dated 13.07.2015 passed in W.P.No.9512 of 2015 was complied with by the Respondent and Community Certificates were issued to the 1st Petitioner's brother and his blood relatives.

6. Learned counsel for the Petitioners submitted that when the 1st Petitioner's own brother and his children were issued with Kurumans (ST) Community Certificate, following the same, the Respondent herein may be directed to issue Kurumans (ST) Community Certificate to the Petitioners herein.

7. However, learned Additional Government Pleader submitted that the Community Certificates issued to the blood relatives of the 1st Petitioner have been sent to the State Level Scrutiny Committee for verification and the outcome of the same is awaited.

8. Heard the learned counsel for the Petitioners as well as the learned Additional Government Pleader appearing for the Respondent.

9. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, we are of the opinion that since Kurumans (ST) Community Certificates were issued to the 1st Petitioner's own brother and his children, there is no hurdle for the Respondent in issuing Community Certificate as sought for by the Petitioners.

10. Accordingly, we direct the Respondent/Revenue Divisional Officer, Dharmapuri, to issue Kurumans (ST) Community Certificate to the Petitioners herein, within a period of six weeks from the date of receipt of a copy of this order. We make it clear that after issuance of Community Certificates to the Petitioners, the Respondent is at liberty to send the same for verification to the State Level Scrutiny Committee.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected W.M.P.No.11604 of 2018 is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

(aeb)

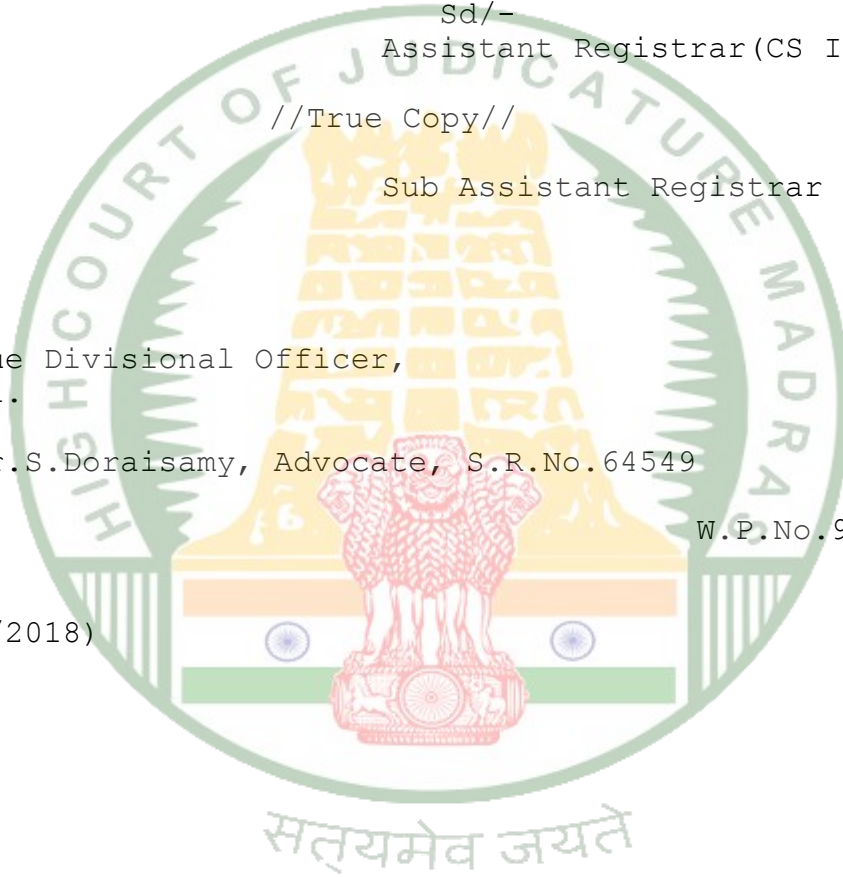
To:

The Revenue Divisional Officer,
Dharmapuri.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.64549

W.P.No.9696 of 2018

(RJICO)
GSP(19/09/2018)



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