

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WRIT PETITION No.21494 OF 2018

N.G.Jayanthi

... Petitioner

vs.

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

.... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondent herein to pass orders on the Petitioner's Application dated 13.08.2015 regarding issuance of Community Certificate to the Petitioner's sons J.N.Pravin Khumar and J.N.Vignesh Kumar, as they belong to Kurumans Community, which is classified as Scheduled Tribe Community and pass orders in accordance with law.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.K.Rajendra Prasad,
Government Advocate

O R D E R

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

This Writ Petition has been filed praying for the issuance of a writ of Mandamus, directing the Respondent herein to pass orders on the Petitioner's Application dated 13.08.2015 regarding issuance of Community Certificate to her sons, viz. J.N.Pravin Khumar and J.N.Vignesh Kumar, as they belong to 'Kurumans' Community, which is classified as Scheduled Tribe Community.

2. In the affidavit filed in support of the Writ Petition, it has been averred by the Petitioner that she and her entire family members belong to 'Kurumans' Community, which is classified as a Scheduled Tribe Community. It is her case that she applied to the Respondent for issuance of Community Certificate to her sons, viz. J.N.Pravin Khumar and J.N.Vignesh Kumar, on

13.08.2015 and she also enclosed the following documents to substantiate her claim for ST Community Certificate.

(i) Community Certificate of the Petitioner, N.G.Jayanthi, dated 06.08.1995, as belonging to Kurumans Community (ST);

(ii) Copy of Scheduled Tribe Community Certificate, dated 06.08.1995 issued to the Petitioner's brother (G.Rajendran), as belonging to Kurumans Community (ST);

(iii) ST Community Certificate issued to the Petitioner's husband's sister's sons Kaviarasan and Gangadharan, dated 21.08.1994, with their genuineness Certificate;

(iv) Community Certificate of the Petitioner's Uncle's son Mr.Balasubramaniam, dated 06.08.1995;

(v) Community Certificate of the Petitioner's Aunt's son, Mr.N.D.Pushparaj, dated 06.08.1995;

(vi) Community Certificate of the Petitioner's Uncle's daughter, Mrs.Vasantha Gowri, dated 24.06.1996, as belonging to Kuruman's Community/ST;

(vii) School Transfer Certificates of the Petitioner's sons, viz. J.N.Pravin Khumar and J.N.Vignesh Kumar.

3. That apart, the Petitioner has also furnished copies of the following documents along with her Application, in support of her claim.

(i) Sale Deed, dated 15.05.1886 (Document No.754/1886), Sub-Registrar Office, Dharmapuri;

(ii) Sale Deed dated 30.04.1928 (Document No.442/1928);

(iii) Sale Deed dated 04.07.1936, both executed in favour of the Petitioner's great grandmother Ellammal, wife of Revamen Gounder, mentioning that they belong to Kurumans Community;

(iv) Petitioner's Service Register;

(v) Marriage Registration Certificate of the Petitioner's brother, G.Rajendran;

(vi) Service Register of the Petitioner's Uncle, Mr.T.Sivaraju;

(vii) ST Community Certificate issued to the Petitioner's brothers' son and daughter, R.Santhosh Kumar and N.R.Sharmila (issued as per the order of this Court in W.P.No.5466 of 2018, dated 26.04.2018).

4. Though the Petitioner submitted the Application seeking issuance of Community Certificate to her sons, as early as on 13.08.2015, the same was not considered by the Respondents till date. Hence, the Petitioner has filed the above Writ Petition for the relief stated supra.

5. Heard the learned counsel for the parties and perused the material documents available on record.

6. Since the scope of the Writ Petition is limited, without traversing into the averments and merits of the matter and considering the grievance of the Petitioner, this Court directs the Respondent herein to consider the Application dated 13.08.2015 submitted by the Petitioner, by conducting enquiry, after affording an opportunity of hearing to the Petitioner and necessary parties, in accordance with the relevant Rules and pass appropriate orders on or before 30.11.2018.

7. It is made clear that this Court has not expressed any opinion on the merits of the claim of the Petitioner and it is for the Respondent to decide the same at the time of disposing of the said representation purely on merits.

The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1cc to Mr. , Advocate SR.No. 57609

+1 CC TO GOVERNMENT PLEADER SR.NO. 58374

Order in

W.P.No.21494 of 2018

ASK(17/09/2018)