

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

CORAM:

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

WRIT PETITION No.21114 of 2018

V.Sankaran

... Petitioner

Vs.

The Sub-Collector,
Tirupattur,
Vellore District.

... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in RC A2/3660/2015, dated 10.10.2017 on the file of the Respondent, quash the same and direct the Respondent to issue Community Certificate to the children of the Petitioner viz. (i) S.Ruthranayagi and (ii) S.Preethi that they belong to Kurumans (ST) Community based upon the proceedings of the District Level Vigilance Committee passed in favour of the Petitioner in proceedings No.Na.Ka.Ke5/28997/2001, dated 02.05.2007.

For Petitioner : 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.)

Petitioner has come up with the present Writ Petition seeking to quash the proceedings in RC A2/3660/2015, dated 10.10.2017 passed by the Respondent, and to direct the Respondent to issue Community Certificate to his children viz. (i) S.Ruthranayagi and (ii) S.Preethi that they belong to Kurumans (ST) Community based upon the proceedings of the District Level Vigilance Committee passed in his favour vide proceedings No.Na.Ka.Ke5/28997/2001, dated 02.05.2007.

2. According to the Petitioner, he belongs to Kurumans Community, which is notified as Scheduled Tribe Community and he was issued Community Certificate to that effect by the Tahsildar, Tirupattur on 30.06.1977 only after proper verification and enquiry. As regards the genuineness of the Community Certificate issued to the Petitioner, the Three Member District Level Vigilance Committee, Vellore, conducted an enquiry. The Anthropologist also conducted an enquiry and gave a Report that the Petitioner belongs to Kurumans (ST) Community. Based on the said Report, the Three Member Committee concluded that the Petitioner belongs to Kurumans (ST) Community and held that the Community Certificate obtained by him that he belongs to Kurumans (ST) Community as genuine, vide proceedings in Na.Ka.Ke5/28997/2001, dated 02.05.2007.

3. Based on the findings of the Three Member Committee that he belongs to Kurumans (ST) Community, the Petitioner preferred an Application to the Respondent through online on 07.09.2015, requesting to issue Community Certificate to his daughters viz. (i) S.Ruthranayagi and (ii) S.Preethi that they belong to Kurumans (ST) Community. He also furnished his Community Certificate as well as the proceedings of the District Level Vigilance Committee along with the said Application. But, the Respondent did not issue Community Certificate to the Petitioner's children as claimed by him.

4. Hence, the Petitioner preferred a Writ Petition in W.P.No.39690 of 2016 seeking a direction to consider his application and to issue Community Certificate to his children. On 14.11.2016, this Court passed an order directing the Respondent to collect the details and other materials from the Petitioner and after proper verification, pass orders on his application within a period of two weeks.

5. It is further stated by the Petitioner that he produced the following Certificates before the Respondent:

(i) ST-Kurumans Community Certificate No.1773/77 of the father of the Applicant Mr.Sankaran, S/o.Veerbadran, issued by Tahsildar, Tirupattur on 30.06.1977 as per G.O.Ms.No.388, dated 06.05.1977.

(ii) Proceedings of the District Vigilance Committee, Vellore District in Na.Ka.K5/28997/2001, dated 02.05.2007.

(iii) Copy of the SSLC Transfer Certificate of Mr.Sankaran, S/o.Veerabadran, dated 02.02.1978 issued by District

Educational Officer, Tirupattur District.

(iv) Copy of Transfer Certificate of Ms.Rudranayagi issued by the Principal, Sri Sairam Engineering College, dated 02.05.2016.

6. However, the Respondent passed an order on 27.02.2017 holding that the Petitioner does not belong to Kurumans Community and referred his Certificate to the State Level Scrutiny Committee for proper verification. Against the said order of rejection, the Petitioner filed W.P.No.6603 of 2017 and this Court set aside the rejection order and remanded the same to the Respondent for fresh consideration. Thereafter, on 05.05.2017, the Respondent issued a notice to his daughter S.Ruthranayagi, to submit the following documents:

- (i) Sale Deed executed prior to 1950, Parents and forefathers details.
- (ii) Other documents supporting the claim of Hindu - Kurumans.

7. Accordingly, the Petitioner and his daughter appeared before the Respondent and submitted all relevant documents in support of his claim. Since no order was passed, the Petitioner filed a Contempt Petition in Cont. Petn. No.1891 of 2017. Pending Contempt Petition, the Respondent passed an order of rejection dated 10.10.2017 stating that the Petitioner does not belong to Kurumans (ST) Community. Assailing the said order, the present Writ Petition has been filed.

8. Learned Additional Government Pleader submitted that the Community Certificate issued to the Petitioner by the Tahsildar, Tirupattur on 30.06.1977 was based on G.O.Ms.No.388, Social Welfare Department, dated 06.05.1977. The said Government Order dated 06.05.1977 declared "Kurumans", "Kurumba" or "Kurumban" to be one and the same Community was later cancelled vide G.O.Ms.No.748, Social Welfare Department, dated 27.10.1977. Thus, he opposed to the entitlement of the relief sought by the Petitioner in the Writ Petition.

9. Be that as it may, as there is a favourable order by the District Level Vigilance Committee, which confirmed the Community Certificate of the Petitioner, there cannot be any impediment for the Respondent in issuing Community Certificate to the Petitioner's children, as claimed by him.

10. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, the impugned order dated 10.10.2017 passed by the Respondent vide proceedings in RC A2/3660/2015, is set aside. The Respondent/Sub-Collector, Tirupattur, Vellore District is directed to issue Community Certificate to the Petitioner's

children, viz. (i) S.Ruthranayagi and (ii) S.Preethi, based on the findings arrived at by the District Level Vigilance Committee, Vellore, in its order dated 02.05.2007, as early as possible, and in any case, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that after issuance of Community Certificate to the Petitioner's children, the Respondent is at liberty to send the same for verification to the State Level Scrutiny Committee.

The Writ Petition is allowed with the above direction. No costs. Consequently, connected W.M.P.No.24776 of 2018 is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

(aeb)
To:

The Sub-Collector,
Tirupattur,
Vellore District.

+1cc to Mr.S.Doraisamy, Advocate Sr.67514
+1cc to the Government Pleader Sr.68176

W.P.No.21114 of 2018

srg 12/10/2018

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