

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. No. 21474 of 2018

P. Siva

...Petitioner

Vs.

The Revenue Divisional Officer
Harur
Dharmapuri District

...Respondent

Prayer: Writ Petition filed under Article of 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records in the order bearing No. Na.Ka.993/2016/A1 dated 23.04.2018 passed by the respondent to issue a "Kurumans" Scheduled Tribe community certificate to the petitioner.

For Petitioner : Mr. M. Radhakrishnan

For Respondent : Mrs. A. Sri Jayanthi,
Spl. Government Pleader

O R D E R

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed challenging the Memo sent by the respondent to the petitioner stating that his request for issuance of community certificate as the one belonging to the Scheduled Tribe "Kurumans" will be considered after getting the views of the State Level Scrutiny Committee.

2. As rightly submitted by the learned counsel appearing for the petitioner, on the earlier occasion, this Court in W.P.No.31598 of 2017 directed the respondent therein to look into the matter and then pass appropriate orders. Following is the operative portion of the order passed:-

"The claim of petitioner for issuance of a community certificate informing petitioner as belonging to Kurumans Scheduled Tribe Community is based on petitioner forwarding certificates

of his brother as also that of his paternal uncle's son. Such certificates have been found genuine by Tamil Nadu State Level Scrutiny Committee. This Court, under orders in W.P.Nos. 17013 and 17014 of 2015 dated 01.07.2015, while setting orders of first respondent therein in Pa.Mu.7729/2010(A1) and Pa.Mu.7728/2010(A2) dated 13.04.2015 had directed first respondent to examine the application afresh in the light of the aforestated cultural report and also other relevant documents produced by petitioners and pass a fresh order on merits and in accordance with law. In the facts and circumstances of the case, this Court would direct respondent to enquire into the relationship between petitioner and persons whose certificates are produced in support of his claim and pass orders within a period of four weeks from the date of receipt of this order."

3. Therefore, it is well open to the respondent to verify the documents produced by the petitioner with respect to the decision given by the State Level Scrutiny Committee, he being an independent authority to decide on its own merit.

4. In such view of the matter, we are of the view that the respondent will have to be directed to take a decision as to whether the petitioner can be given a Community Certificate to the effect that he belongs to the Scheduled Tribe community or not. This has to be done by considering all the relevant materials, inclusive of the earlier decision made by the State Level Scrutiny Committee in the case of petitioner's relative. The respondent concerned will have to give a finding as to whether the petitioner is relative to the person, who has been given favourable order by the State Level Scrutiny Committee.

5. In as much as the period of four weeks granted has expired, we direct the respondent to complete the above said exercise within a period of 6 weeks from the date of receipt of a copy of this order.

This writ petition stands disposed of with the above directions. No costs.

ssm

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

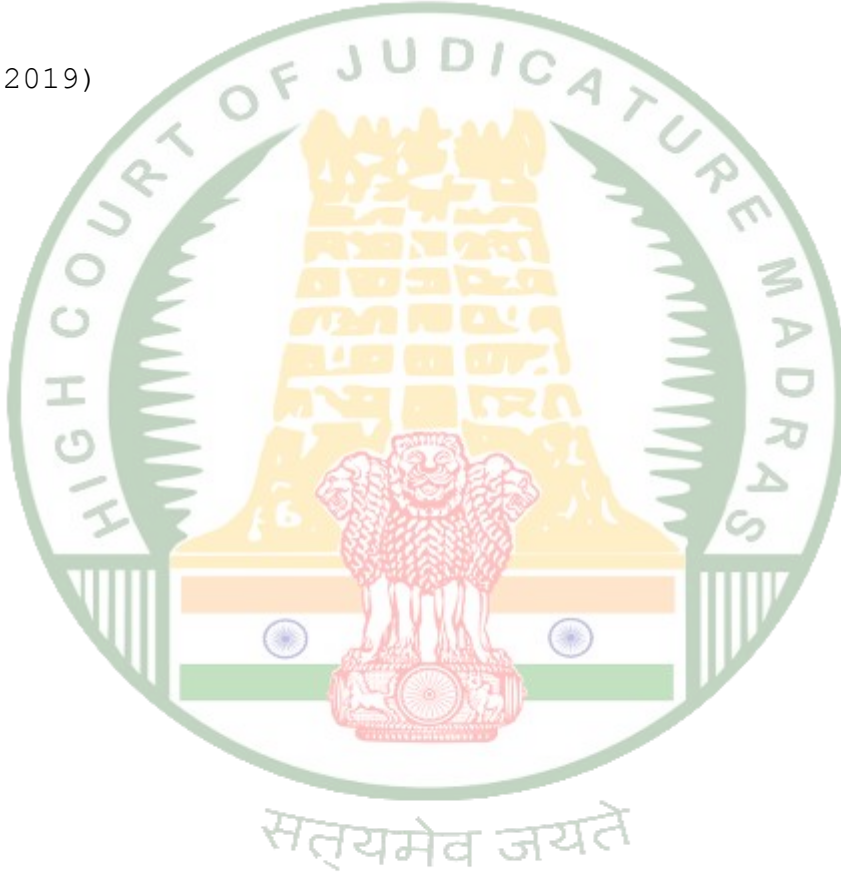
To

The Revenue Divisional Officer
Harur
Dharmapuri District

+1cc to Mr.M.Radhakrishnan, Advocate, S.R.No.85602
+1cc to the Government Pleader, S.R.No.86224.

W.P. No. 21474 of 2018

MG (CO)
KAK(10/01/2019)



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