

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2018

CORAM

THE HON'BLE Mr. JUSTICE R.SUBBIAH
and
THE HON'BLE Mr. JUSTICE R.PONGIAPPAN

W.P.No.23086 of 2018

A.Gowrammal

.. Petitioner

Vs

The Sub Collector,
Dharmapuri,
Dharmapuri District.

.. Respondent

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondent to issue community certificate to the petitioner, her husband Mahendran and her children viz., M.Rajeswari and M.Vignesh that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner's brothers on the basis of the report of the State Level Scrutiny Committee in proceedings (1)No.1710/CVIII/2013 dated 27.03.2014 in respect of A.Raja (2)No.1709/CVIII/2013 dated 30.03.2015 in respect of A.Devaraj, (3)No.1704/CVIII/2013 dated 30.03.2015 in respect of A.Murugesan and (4)No.16559/CVIII/2011 dated 17.12.2013 in respect of L.Krishnan (petitioner's mother's brother).

For Petitioner

.. Mr.V.Elangovan

For Respondents

.. Mr.K.Rajendra Prasad,
Addl. Govt. Pleader

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ORDER

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

This writ petition has been field for a writ of mandamus directing the respondent to issue community certificate to the petitioner, her husband Mahendran and her children viz.,

M.Rajeswari and M.Vignesh that they belong to Kurumans (ST) Community based on the community certificates already issued to the petitioner's brothers and pass further orders.

2.In the affidavit filed in support of the writ petition, it has been averred that the petitioner belongs to Kurumans Community, which is a Scheduled Tribe community. She did not obtain any community certificate so far. Since she is in need of community certificate, she has made an application to the respondent on 24.07.2018. In fact, the petitioner's brothers - Raja, Devaraj and Murugesan have already been issued with Kurumans (ST) community certificates on 19.06.2014, 01.07.2015 and 04.07.2015, which are not cancelled. Now the petitioner seeks community certificate for herself, her husband Mahendran and her children viz., M.Rajeswari and M.Vignesh. Hence she submitted an application on 24.07.2018 with a request to issue community certificate to her family members to the effect that they belong to Kurumans (ST) Community. She has also enclosed the community certificates issued to her brothers. Since the said application has not been considered so far, the present writ petition has been filed.

3.When the matter is taken up for consideration, learned counsel for the petitioner submitted that the petitioner's brothers were issued with community certificates, which were granted after verification of the State Level Scrutiny Committee. When that being so, there cannot be any impediment for the respondent to issue community certificate to the petitioner and her family members.

4.Mr.K.Rajendra Prasad, learned Additional Government Pleader appearing for the respondent would contend that he has verified with the respondent and found that the community certificates were issued to the petitioner's brothers Raja, Devaraj and Murugesan. Further, he has contended that the petitioner's maternal uncle also belongs to Kurumans (ST) Community. Thus he submitted that in the factual scenario, suitable order may be issued.

5.Considering the submission made by the learned counsel for both sides, it is seen that the petitioner's brothers' community certificate was issued indicating ST community. The said community certificate was also verified and confirmed by the State Level Scrutiny Committee. When that being the position, there cannot be any impediment to issue Community Certificate to the petitioner herein and her family members, after verifying the documents. Accordingly, we direct the respondent to issue community certificate to the petitioner, her husband Mahendran and her children viz., M.Rajeswari and M.Vignesh that they belong to Kurumans (ST) Community within a period of eight

weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

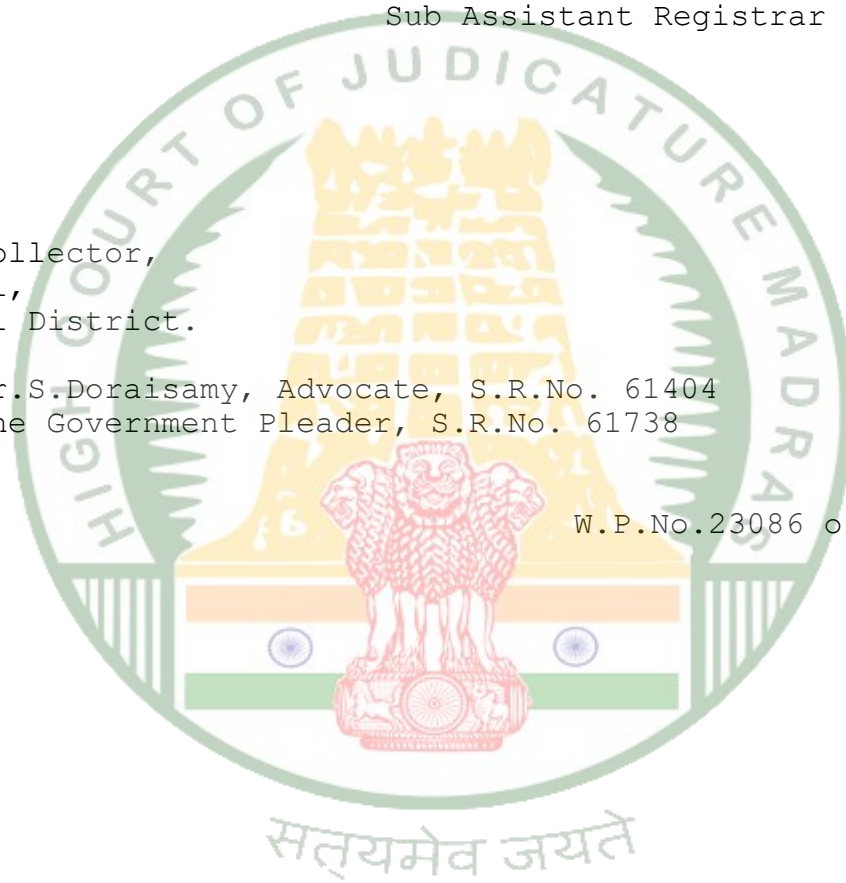
mmi

To

The Sub Collector,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No. 61404
+1cc to the Government Pleader, S.R.No. 61738

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