

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2018

CORAM

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

W.P.No.23764 of 2018

C.Madesh .. Petitioner

-vs-

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District .. Respondent

Petition 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 and his children viz., M.Gopinath and M.Baranitha that they belong to "Kurumans (ST) Community" based upon the community certificate already issued to the petitioner's own brother C.Govindaraj, which was verified by the State Level Scrutiny Committee in Proceedings No.21289/CVIII/2008 dated 10.06.2014.

For Petitioner :: Mr.V.Elangovan

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

ORDER

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

This writ petition has been filed for issuance of a mandamus, directing the respondent to issue community certificates to the petitioner and his children viz., M.Gopinath and M.Baranitha that they belong to "Kurumans (ST) Community" based upon the community certificate already issued to the petitioner's own brother C.Govindaraj, which was verified by the State Level Scrutiny Committee in Proceedings No.21289/CVIII/2008 dated 10.06.2014.

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. He did not obtain any community certificate so far. Since he is in need of community certificate, he has made an application to the respondent on 22.03.2018. In fact, the petitioner's brother C.Govindaraj was already issued with Kurumans (ST) community certificate on 18.05.1995 and the said certificate was also verified by the State Level Scrutiny Committee and found to be genuine by the report dated 10.06.2014. Now the petitioner seeks community certificate for himself and his children viz., M.Gopinath and M.Baranitha. He has also enclosed the community certificate issued to his brother and other documents. As the application dated 22.03.2018 to issue community certificates to himself and his children to the effect that they belong to Kurumans (ST) Community has not been considered so far, the present writ petition has been filed.

3. When the matter was taken up, learned counsel for the petitioner submitted that the petitioner's brother C.Govindaraj was issued with Scheduled Tribe community certificate and the same was also verified and found to be genuine by the State Level Scrutiny Committee by its proceedings dated 10.06.2014. When that being so, there cannot be any impediment for the respondent to issue community certificates to the petitioner and his 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 petitioner's brother C.Govindaraj belongs to Kurumans (ST) Community and the community certificate issued to him is genuine. Thus, in the factual scenario, he submitted that suitable order may be passed.

5. Considering the submissions made by the learned counsel on either side and also the fact that the petitioner's brother was already issued with a community certificate indicating that he belongs to Kurumans (ST) Community and that the said community certificate was also verified and confirmed by the State Level Scrutiny Committee, there cannot be any impediment for the respondent to issue the Kurumans (ST) Community Certificates to the petitioner herein and his family members after verifying the documents. Accordingly, we direct the respondent to issue the community certificates to the petitioner and his children viz., M.Gopinath and M.Haranitha 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 v)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+1cc to Mr.S.DORAISAMY , Advocate SR.No. 65111
W.P.No.23764 of 2018
ASK(25/09/2018)



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