

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL

AND

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.15403 of 2018

A.Ayyappan

... Petitioner

vs.

The Revenue Divisional Officer,
Ranipet,
Vellore District

... Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the Respondent to issue Community Certificate to the Petitioner that he belongs to Kurumans (ST) Community based upon the Community Certificate already issued to the Petitioner's own brother.

For Petitioner : Mr.M.P.Vairakkannan

For Respondent : Mr.S.N.Parthasarathy,G.A.

ORDER

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

Heard the Learned Counsel for the Petitioner as well as the Learned Government Advocate for the Respondent.

2.According to the Petitioner, he belongs to 'Kurumans' (ST) Community and in his School Records, his Community is entered as 'Kurumans' (ST) Community. His specific case is that he had not obtained any Community Certificate, since it was not required at that point of time. His own Brother A.Manivannan had secured a 'Community Certificate' from the Head Quarters Deputy Tahsildar, Arcot, on 02.03.1984. His Father's own Brother M.Subramani had also obtained a Community Certificate from the Head Quarters Deputy Tahsildar, Arcot, on 02.03.1984 stating that he belongs to 'Kurumans' (ST) Community.

3.The stand of the Petitioner is that the Community Certificate in issue is required for securing Government

benefits; for obtaining loan and for Election purposes. Hence, he preferred an Application before the Respondent on 14.06.2016, making a request for issuance of 'Community Certificate' to him on the basis that he belongs to 'Kurumans' (ST) Community. Together with the Application, he had enclosed the undermentioned documents:

"1.Community Certificate of the
Petitioner's own Brother A.Manivannan.

2.Community Certificate of the
Petitioner's Father's own brother
M.Subramani.

3.Petitioner's School Transfer
Certificate.

4.Petitioner's Brother's School
Transfer Certificate.

5.Community Certificate of th
Petitioner's close relatives K.Ramu and K.Jai
Ganesh."

4.It comes to be known that the Respondent/The Revenue Divisional Officer, Ranipet, Vellore District, had forwarded the Petitioner's Application to the Tahsildar, Walajapet, on 04.07.2016 to conduct an enquiry and submit a Report. The Tahsildar, Walajapet, had conducted an enquiry and sent a Report to the Respondent. The grievance of the Petitioner is that no Order is passed by the Respondent till date. The Petitioner had also sent a reminder request to the Respondent, on 05.02.2018.

5.The crystalline plea of the Petitioner is that once the family members are possessing valid Community Certificate, by applying the ratio laid down by the Hon'ble Supreme Court, in the decision in State of Bihar and Others vs. Sumit Anand (2015 (12) SCC 248), the Respondent/Revenue Divisional Officer, is bound to issue Community Certificate to him also. But, the Respondent has not passed any Orders so far. Hence, the Petitioner has filed the present Writ Petition.

6.At this juncture, the Learned Government Advocate informs this Court that if time limit is determined by this Court, the Respondent/Revenue Divisional Officer, Ranipet, Vellore District, will pass Orders within the time to be fixed by this Court.

7.Considering the fact that the Petitioner's Application praying for issuance of Community Certificate, dated 14.06.2016 is pending for passing necessary Orders by the

Respondent and this Court, taking note of a prime fact that till date, no Orders have been passed by the Respondent on the Application of the Petitioner, at this stage, this Court, simpliciter deems it fit and proper in directing the Respondent/The Revenue Divisional Officer, Ranipet, Vellore District, to pass necessary Orders, based on the Application of the Petitioner, seeking for issuance of Community Certificate to the effect that he belongs to 'Kurumans' (ST) Community, within a period of six weeks from the date of receipt of copy of this Order. It cannot be gainsaid that the Respondent shall pass final Orders in the subject matter in issue in a free, fair, just, unbiased and in a dispassionate manner, ofcourse, after providing necessary opportunity to the Petitioner by adhering to the Principles of Natural Justice.

With the above Observations/Directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

The Revenue Divisional Officer,
Ranipet,
Vellore District.

+lcc to Mr.K.Narayanan,Advocate sr.444148(28/06/2018)

W.P.No.15403 of 2018

RK(CO)
GSP(25/06/2018)

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