

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.07.2018

CORAM

THE HON'BLE Mr. JUSTICE M.VENUGOPAL
and
THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

W.P.No.17722 of 2018 and
W.M.P.Nos.21000 of 2018

Gunasekaran

.. Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. By the Secretary to Government
Fort St. George, Chennai - 600 009.
- 2.The District Collector,
Villupuram - 605 602, Villupuram District.
- 3.The Revenue Divisional Officer,
Villupuram Taluk,
Villupuram District - 606 202.
- 4.The Tahsildar,
Villupuram,
Villupuram District - 606 202.

..Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the 3rd respondent herein to issue Hindu, Malaikuravan - Scheduled Tribe (ST) Community Certificates to the Petitioner's above named five children viz., (1)G.Mahalakshmi, (2)G.Silambarasan, (3) G.Manikandan, (4)G.Ruba, (5) Rubika at the earliest.

For Petitioner : Mr.S.Arunkumar
For Respondents : Mr.K.Rajendra Prasad
Additional Government Pleader

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner and Mr.K.Rajendra Prasad, Learned Additional Government Pleader takes notice for the Respondents.

2. According to the Petitioner, he has filed the present Writ Petition seeking for issuance of Hindu Malaikuravan Scheduled Tribe (ST) Community Certificates to his five children viz., (1) G. Mahalakshmi, (2) G. Silambarasan, (3) G. Manikandan, (4) G. Ruba, (5) Rubika respectively.

3. It is the stand of the Petitioner that his eldest daughter G. Mahalakshmi had passed 10th standard; his eldest son G. Silambarasan had passed 8th standard; his younger son G. Manikandan had passed Diploma and has to join B.E. Engineering degree course; G. Ruba had passed 10th standard and G. Rubika is studying in 8th standard and they are unable to continue their studies for want of ST Community Certificate. He and his family members hail from poor economic family background and they do not have own house or land. Indeed, they are residing at the bank of a lake situated in Government Poramboke land. Their avocation is Coolie. In spite of their economic backwardness, they are desirous of educating their children. Since they belong to Scheduled Tribe, the Petitioner requires Scheduled Tribe Community Certificate for his children's education.

4. At this juncture, the Learned Counsel for the Petitioner submits that the Petitioner's parents and forefathers were illiterates and his children are the first generation children to get education. As a matter of fact, his eldest son G. Silambarasan, after passing 8th standard, could not continue his studies for want of ST Community Certificate.

5. The principle grievance advanced on behalf of the Petitioner is that the Respondents/Revenue Authorities are not providing him with the Scheduled Caste Community Certificate due to one reason or other thereby making him to run from pillar to post. He has submitted numerous representations before the Respondents/ Revenue Authorities and other authorities concerned seeking to take necessary action to issue necessary Scheduled Tribe Community Certificate to all his five children. Apart from that, he addressed representations dated 21.2.2014 to the 3rd Respondent/R.D.O., Villupuram; dated 08.09.2014 addressed to the 3rd Respondent; dated 16.03.2016 addressed to NCTA of Tribal Affairs; dated 24.11.2015 to the R.D.O., Villupuram; dated 16.03.2016 addressed to the Union Minister of Tribal Affairs (NCTA); the NCTA of Tribal Affairs; the National Human Rights Commission (NHRC); Prime Minister of India; dated 22.3.2016 addressed to NCTA of Tribal Affairs; dated 31.10.2016 submitted to the 2nd Respondent/District Collector, Villupuram and to the

CM Cell; dated 21.12.2016 submitted to the NCTA of Tribal Affairs as reminder; dated 21.12.2017 submitted to the Prime Minister as reminder; the NHRC as reminder. He had also submitted an affidavit dated 07.06.2018 to the 3rd Respondent/R.D.O., Villupuram and an affidavit dated 08.06.2018 to the 2nd Respondent/District Collector, but, all these proved in vain. In short, the Respondents 1 to 3 had not taken any action in the subject matter in issue, for reasons best known to them.

6.The plea of the Petitioner is that his blood relatives were issued with the ST Community Certificates by different Revenue Authorities and the details of which are as follows:

"1.Bavani, D/o Mahalingam, Kadaperi, Tambaram Taluk, ST Community Certificate No.327408/21.07.2014 by RDO, Tambaram, Kanchipuram District;

2.Vineeth, S/o.Lakshmannan, Ja Endal, Vepur Taluk, ST Community Certificate No.579133/1.06.2016 by RDO, Virudachalam, Villupuram District (Son of Younger brother);

3.Pandian, S/o.Chinnapaiyan, Ramapuram, Ambattur Taluk, Chennai, ST Community Certificate No.360033/10.01.2012 by RDO, Ponneri, Tiruvallur District (younger brother);

4.Ayyappan, S/o.Manivannan, Kattumannarkoil Taluk, ST Community Certificate No.301517/31.05.2013 by RDO Sub Collector, Chidambaram, Cuddalore District (Cousin brother);

5.Murugan, S/o.Rayar, Chitherikarai, Villupuram Taluk, ST Community Certificate No.287068/25.09.2015 by RDO, Villupuram, Villupuram District (Son in law);

6.Ramalingaam, S/o.Vellikannu, Madapattu Village, Ulundurpe Taluk, ST Community Certificate No.283208/16.02.2016 by RDO Tirukovilur, (Nephew);

7.Sumithra, D/o.Raman, Rajakilpakkam,
Tambaram Taluk, ST Community Certificate
No.435067/25.02.2014 by RDO, Tambaram (Uncle
Daughter)."

7.The Learned Counsel for the Petitioner brings it to the notice of this Court that many of the Petitioner's blood relatives are belonging to ST Community were issued ST Community Certificate and notwithstanding the fact he had furnished necessary details to the Respondents 1 to 3 in the subject matter in issue, no action has been taken by them. Hence, he has filed the present Writ Petition before this Court seeking for issuance of direction to the 3rd Respondent/Revenue Divisional Officer, Villupuram District to issue Hindu Malaikuravan Scheduled Tribe (ST) Community Certificates to his five children viz., (1)G.Mahalakshmi, (2)G.Silambarasan, (3)G.Manikandan, (4) G.Ruba, (5) Rubika at the earliest.

8.No counter is filed on behalf of the Respondents 1 to 4.

9.Considering the fact that the Petitioner had made a representation dated 08.06.2018 to the 2nd Respondent /District Collector, Villupuram praying for issuance of Community Certificate in respect of his five children viz., (1) G.Mahalakshmi, (2) G.Silambarasan, (3) G.Manikandan, (4)G.Ruba, (5) Rubika, so as to enable them to pursue their further education and till date, no progression has taken place in the subject matter in issue, at this stage, this Court, simpliciter, [without expressing any opinion on the merits of the matter and also not delving deep into the issue], deems it fit and proper, in directing the 3rd Respondent/Revenue Divisional Officer, Villupuram District to look into the representation of the Petitioner dated 08.06.2018 [addressed to the 2nd Respondent/District Collector, Villupuram and a copy being marked to him] within a period of one week from today and thereafter, to dispose of the said representation dated 08.06.2018, within a period of four weeks from the date of receipt of copy of this order. It cannot be gainsaid that the 3rd Respondent/Revenue Divisional Officer, Villupuram District is directed to pass a reasoned speaking order on merits in a free, fair, just, unbiased and in dispassionate manner, of course, after providing necessary opportunities to the Petitioner, by adhering to the Principles of Natural Justice.

10.With the aforesaid observations and directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sgl

To

- 1.The Secretary to Government
Fort St. George, Chennai - 600 009.
 - 2.The District Collector,
Villupuram - 605 602
Villupuram District.
 - 3.The Revenue Divisional Officer,
Villupuram Taluk,
Villupuram District - 606 202.
 - 4.The Tahsildar,
Villupuram,
Villupuram District - 606 202.
- +lcc to Mr.S.ArunKumar, Advocate, S.R.No.17722
+lcc to the Government Pleader, S.R.No. 47044

BM 18/07/2018.

सत्यमेव जयते

W.P.No.17722 of 2018

WEB COPY