

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2018

CORAM:

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

WRIT PETITION No.26113 of 2018

M.Sivashanmugam

... Petitioner

Vs.

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

... Respondent

Writ Petition has been 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's children viz. S.Bharani and S.Pragathi, that they belong to "Kurumans (ST) Community", based upon the Community Certificate already issued to the parents, brothers and other family members of the Petitioner.

For Petitioner : Mr.V.Elangovan

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

O R D E R

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

Petitioner has come up with the present Writ Petition seeking a direction to the Respondent to issue Community Certificate to his children viz. S.Bharani and S.Pragathi, that they belong to "Kurumans (ST) Community", based upon the Community Certificate already issued to his parents, brothers and his other family members.

2.According to the Petitioner, he belongs to Kurumans Community, which is a Scheduled Tribe Community. He obtained Community Certificate from the Respondent on 31.12.1994 stating that he belongs to Kurumans (ST) Community. His wife viz. M.Bhuvaneswari also obtained Community Certificate from the Respondent on 21.06.1994 to that effect. Following are the

details of the Petitioner's family members, who obtained Community Certificate that they belong to Kurumans (ST) Community.

(i) The Petitioner's Community Certificate, dated 31.12.1994.

(ii) Community Certificate of the Petitioner's wife, M.Bhuvaneswari, dated 21.06.1994.

(iii) Community Certificate of the Petitioner's mother, M.Manimekala, dated 26.10.1974.

(iv) Community Certificate of M.Manivel, dated 31.12.1994, who is the Petitioner's elder brother

(v) Community Certificate of M.Prasanth, dated 31.12.1994, who is the Petitioner's younger brother

(vi) Community Certificate of M.Kannagi, dated 07.08.1995, who is the Petitioner's mother's sister

(vii) Community Certificate of M.Ragavendran, dated 11.08.2010, who is the Petitioner's mother's sister's son

(viii) Community Certificate of M.Mouliswar, dated 24.01.2018, who is the Petitioner's brother's son

(ix) Community Certificate of M.Poorani, dated 24.01.2018, who is the Petitioner's brother's son

(x) State Committee Report of the Petitioner's Wife's brother M.Adiyaman, dated 01.12.2014.

3. Learned counsel for the Petitioner submitted that when the family members of the Petitioner possess a valid Community Certificate, his other members are entitled to obtain Community Certificate without any further enquiry. In support of his claim, he referred to a decision of the Apex Court in the case of State of Bihar vs. Sumit Anand, reported in (2005) 12 SCC 248, wherein, it is held that once the father and the relatives possess a valid Community Certificate, the children are entitled to the same.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, we are of the opinion that since Kurumans (ST) Community Certificates were issued to the Petitioner and his family members, there is no hurdle for the Respondent in issuing Community Certificate to his children, as sought for by the Petitioner.

6. Accordingly, we direct the Respondent/Revenue Divisional Officer, Dharmapuri, to issue Kurumans (ST) Community Certificate to the Petitioner's children, viz. (i) S.Bharani and (ii) S.Pragathi, within a period of six weeks from the date of receipt of a copy of this order. We make it clear that after issuance of Community Certificates to the Petitioner's children, the Respondent is at liberty to send the same for verification to the State Level Scrutiny Committee.

With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

aeb

To:

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.68111
+1cc to Government Pleader, S.R.No.68540

CS/09/10/2018

W.P.No.26113 of 2018

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