

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.26117 of 2018

M.Prasath

... 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 daughter, P.Swati, that she belongs to "Kurumans (ST) Community", based upon the Community Certificate already issued to the Petitioner, brothers and other family members.

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 daughter viz. P.Swati, that she belongs to "Kurumans (ST) Community", based upon the Community Certificate already issued to him, his brothers and 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. He has further stated that all his family members do possess Kurumans (ST) Community Certificate and the details of the family members are as follows:

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

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

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

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

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

(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 cousin brother, M.Adiyaman, dated 01.12.2014.

3. Learned counsel for the Petitioner submitted that when the Petitioner and his family members possess a valid Community Certificate, he is entitled to obtain Community Certificate for his daughter 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 daughter, 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 daughter, viz. P.Swati 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 Certificate to the Petitioner's daughter, 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.

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.68112

+lcc to Government Pleader, S.R.No.68540

W.P.No.26117 of 2018

CS/09/10/2018

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