

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WRIT PETITION No.26769 OF 2018

K.Govindaraj

... Petitioner

vs.

The Revenue Divisional Officer,
Tirupattur,
Vellore District.

... Respondent

Writ Petition 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 and his son G.Kaviyarasu that they belong to "Kurumans (ST) Community" based upon the proceedings of the District Level Vigilance Committee passed in respect of the Petitioner's father's own brother C.Torali in Proceedings No.Na.Ke.5/32859/99, dated 02.05.2007.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.K.Rajendra Prasad,
Government Advocate

O R D E R

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

Petitioner has come up with this Writ Petition seeking a direction to the Respondent to issue Community Certificate to him and his son G.Kaviyarasu that they belong to "Kurumans (ST) Community" based upon the proceedings of the District Level Vigilance Committee passed in respect of his father's own brother C.Torali in Proceedings No.Na.Ke.5/32859/99, dated 02.05.2007.

2. According to the Petitioner, he belongs to Kurumans Community, which is notified as Scheduled Tribe Community. His father's own brother C.Torali obtained Community Certificate on 11.07.1977 and the same was verified by the District Level Vigilance Committee, Vellore and a Report vide Proceedings No.Na.Ke.5/32859/99, dated 02.05.2007 was given to the effect

that the said Torali belongs to Kurumans (ST) Community. Based on the same, the Petitioner preferred an Application along with requisite documents to the Respondent on 26.10.2016, requesting to issue Community Certificate to him and his son G.Kaviyarasu that they belong to Kurumans (ST) Community. However, the Respondent did not issue such Community Certificate to the Petitioner and his son.

3. Learned counsel for the Petitioner submitted that the family members of the Petitioner are having valid Community Certificates and the same have also been verified by the State Level Scrutiny Committee. Hence, according to the learned Counsel, there is no impediment for the Respondent in issuing Kurumans (ST) Community Certificate to the Petitioner and his son.

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

5. Since the scope of the Writ Petition is limited, without traversing into the merits of the matter and considering the grievance of the Petitioner, this Court directs the Respondent herein to consider the Petitioner's Application dated 26.10.2016, by conducting an enquiry, after affording an opportunity of hearing to the Petitioner and necessary parties, in accordance with the relevant Rules and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

6. It is made clear that this Court has not expressed any opinion on the merits of the claim of the Petitioner and it is for the Respondent to decide the same at the time of disposing of the said representation purely on merits.

The Writ Petition is disposed of with the above direction. No costs.

sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

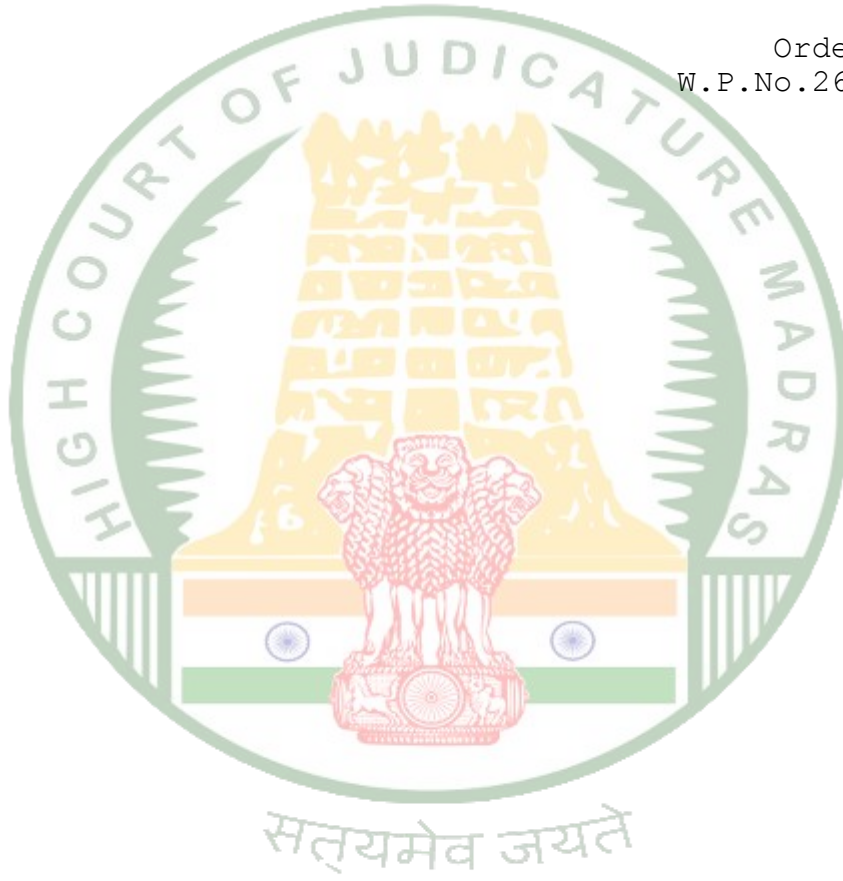
(aeb)

To:
The Revenue Divisional Officer,
Tirupattur, Vellore District.

+1cc to M/s.S.Doraisamy, Advocate SR.NO.72692
+1cc to Government Pleader SR.NO.73068

sm:26.10.2018

Order in
W.P.No.26769 of 2018



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