

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.26755 of 2018

G.Kaliyappan

... Petitioner

Vs.

The Sub-Collector,
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's children (i) K.Pavithra and (ii) K.K.Rohit that they belong to "Kurumans (ST) Community" based upon the Community Certificate already issued to the Petitioner and his cousin brother, which was also verified by the State Level Scrutiny Committee in Proceedings No.2966/CV-II/2009-13, dated 12.09.2014.

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 (i) K.Pavithra and (ii) K.K.Rohit that they belong to "Kurumans (ST) Community" based upon the Community Certificate already issued to him and his cousin brother, which was also verified by the State Level Scrutiny Committee in Proceedings No.2966/CV-II/2009-13, dated 12.09.2014.

2. According to the Petitioner, he belongs to Kurumans Community, which is a Scheduled Tribe Community. Earlier, he preferred an Application to the Respondent requesting to issue Community Certificate, however, the same was rejected through online. Challenging the same, the Petitioner preferred W.P.No.16465 of 2015 and this Court, by an order dated 01.07.2015, set aside the rejection order of the Respondent and directed the Respondent to re-consider the Petitioner's Application in the light of the Community Certificate already issued to his relatives. Thereafter, the Respondent complied with the said order of this Court, conducted an enquiry and issued Community Certificate to the Petitioner on 30.09.2016 to the effect that he belongs to Kurumans (ST) Community.

3. It is further stated by the Petitioner that his cousin brother viz. G.Anandan's Community Certificate was verified by the State Level Scrutiny Committee and it was found to be genuine vide Proceedings No.2966/CV-II/2009-13, dated 12.09.2014. The grievance of the Petitioner is that the Application preferred by him to the Respondent on 08.11.2016 along with necessary documents, requesting to issue Community Certificate to his children was not considered by the Respondent till date.

4. Learned counsel for the Petitioner submitted that when the Petitioner and his close relative possess a valid Community Certificate to the effect that they belong to Kurumans (ST) Community, there is no impediment for the Respondent to issue Community Certificates to the Petitioner's children to that effect.

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

6. 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 close relative, there is no hurdle for the Respondent in issuing Community Certificate to his children, as sought for by the Petitioner.

7. Accordingly, we direct the Respondent/Sub-Collector, Tirupattur, Vellore District, to issue Kurumans (ST) Community Certificate to the Petitioner's children viz. (i) K.Pavithra and (ii) K.K.Rohit, 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 VIII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Sub-Collector,
Tirupattur,
Vellore District.

+1cc to M/S.S.Doraisamy, Advocate Sr.72690
+1cc to the Government Pleader Sr.73067

W.P.No.26755 of 2018

srg 26/10/2018

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