

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.27035 of 2018

K.Dharmalingam

... 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 Certiorarified Mandamus calling for the records relating to the order of rejection passed in proceedings No.A1/5685/2017, dated 04.10.2017 passed by the Respondent, which was signed on 03.07.2018, quash the same and direct the Respondent to issue Community Certificate to the Petitioner's children viz. (i) D.Priyanka and (ii) D.Ramkumar that they belong to "Kurumans (ST) Community" based upon the Community Certificate already issued to the Petitioner and proceedings of the District Level Vigilance Committee, Vellore, passed in favour of the Petitioner's sister's son Thirumoorthy in Proceedings No.Na.Ka.Ke5/34625/2006, dated 02.05.2007.

For Petitioner : Mr.S.Doraisamy

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 to quash the order dated 04.10.2017 passed by the Respondent in proceedings No.A1/5685/2017, and for a direction to the Respondent to issue Community Certificate to his children viz. (i) D.Priyanka and (ii) D.Ramkumar that they belong to "Kurumans (ST) Community", based on the Community Certificate already issued to him and based on the proceedings of the District Level Vigilance Committee, Vellore, passed in favour of

his sister's son viz. Thirumoorthy in Proceedings No.Na.Ka.Ke5/34625/2006, dated 02.05.2007.

2. According to the Petitioner, he belongs to Kurumans Community, which is notified as Scheduled Tribe Community and he obtained Community Certificate to that effect on 09.03.1989 from the Judicial Magistrate No.I, Tirupattur. Further, the Petitioner had also obtained Community Certificate in a proper format that he belongs to Kurumans (ST) Community, from the Tahsildar, Purusawalkam-Perambur Taluk on 20.06.1989. It is further stated by the Petitioner that his father's own sister's son, Thirumoorthy's Community Certificate was verified by the Three Member District Level Vigilance Committee, Vellore and a Report was given that he belongs to Kurumans (ST) Community.

3. Hence, the Petitioner preferred an Application to the Respondent on 10.12.2015 requesting to issue Community Certificate to his children that they belong to Kurumans (ST) Community. Along with the Application, the Petitioner has enclosed the following documents:

- (i) Petitioner's Community Certificate
- (ii) Community Certificate of Thirumoorthy
- (iii) District Committee Report of the Petitioner's sister's son, Thirumoorthy
- (iv) Family Tree Certificate issued by the Tahsildar, Tirupattur
- (v) Sworn-in Affidavit of Thirumoorthy
- (vi) Sale Deed
- (vii) Petitioner's Sworn-in Affidavit
- (viii) Birth Certificate of the Petitioner's children

4. Learned counsel for the Petitioner submitted that when the Petitioner and his close relatives possess valid Community Certificates, the Petitioner is entitled to obtain Community Certificate for his children without any further enquiry.

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

6. Be that as it may, considering the facts and circumstances of the case, the impugned order dated 04.10.2017 passed by the Respondent vide proceedings No.A1/5685/2017, is set aside. The Respondent/Sub Collector, Tirupattur, Vellore District, is directed to issue Community Certificate to the Petitioner's children, viz. (i) D.Priyanka and (ii) D.Ramkumar, based on the Community Certificate already issued to the Petitioner and his family members, as early as possible, and in any case, within a period of six weeks from the date of receipt of a copy of this order.

7. 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.

The Writ Petition is allowed with the above direction. 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.72691
+1cc to the Government Pleader Sr.73069

W.P.No.27035 of 2018

srg 26/10/2018

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