

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH
AND

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WRIT PETITION No.27104 of 2018

B.Inbasekaran

... Petitioner

Vs.

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri 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 Na.Ka.8488/2015/A4, dated 04.12.2015 on the file of the Respondent, quash the same and direct the Respondent to issue Community Certificate to the children of the Petitioner viz. (i) Minor I.Guruvarma and (ii) Minor I. Kavimugilan that they belong to "Kurumans (ST) Community" based upon the Community Certificate possessed by the parents and other family members.

For Petitioner : Mr.V.Elangovan

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

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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 call for the records relating to the order of rejection dated 04.12.2015 passed by the Respondent vide Na.Ka.8488/2015/A4, quash the same and direct the Respondent to issue Community Certificate to his children viz. (i) Minor

I.Guruvarma and (ii) Minor I. Kavimugilan that they belong to "Kurumans (ST) Community" based upon the Community Certificate possessed by him and his other family members.

2. According to the Petitioner, he and his wife belong to 'Kurumans Community', which is a Scheduled Tribe Community. He obtained Community Certificate from the Revenue Divisional Officer, Dharmapuri on 01.07.1996 stating that he belongs to 'Kurumans (ST) Community'. He wife, N.Pushpa also obtained Community Certificate to that effect from the Revenue Divisional Officer, Dharmapuri on 07.04.1997. Further, the Petitioner's father also obtained Community Certificate from the Respondent.

3. On 05.06.2015, the Petitioner preferred an Application to the Respondent seeking issuance of Community Certificate to his children (i) Minor I.Guruvarma (aged 8 years) and (ii) Minor I.Kavimugilan (aged 5 years). Along with his Application, the Petitioner has enclosed the following documents:

(i) Petitioner's Community Certificate issued by the RDO, Dharmapuri, dated 01.07.1996;

(ii) Community Certificate of the Petitioner's wife, N.Pushpa issued by the RDO, Dharmapuri, dated 07.04.1997;

(iii) Community Certificate of the Petitioner's father C.Balaraman issued by the RDO, Dharmapuri, dated 01.07.1996;

(iv) Community Certificate of N.Manickam, dated 07.04.1997, who is the Petitioner's wife's brother;

(v) Community Certificate of N.Mahendran, dated 07.04.1997, who is the Petitioner's wife's brother;

(vi) State Committee Report of S.Agilavani, dated 09.06.2014, who is the Petitioner's wife's cousin sister;

(vii) Geneological family Tree Certificate issued by the Tahsildar, Dharmapuri;

(viii) Service Records of the Petitioner and his wife;

(ix) Schools Records of the Petitioner

and his wife.

4. Since no order was passed on his Application, the Petitioner filed a Writ Petition in W.P.No.23468 of 2015 for a direction to issue Community Certificate to his children that they belong to Kurumans (ST) Community, based upon the Community Certificate already possessed by him. This Court, on 03.08.2015, passed an order directing the Respondent to dispose of the Petitioner's Application. Thereafter, the Respondent issued a Notice to the Petitioner to appear for an enquiry. During the enquiry, the Petitioner produced all the above documents in support of his claim.

5. Thereafter, the Respondent conducted a discreet enquiry in the Village and on the basis of the discreet enquiry, passed an order dated 04.12.2015 holding that the entry pertaining to the Petitioner's other close relatives in the School Records and Birth/Death Registers show that they belong to Kurumba/Kurumbar Community, and forwarded those Community Certificates to the State Level Committee to verify their Community. Aggrieved by the same, the Petitioner is before this Court with the present Writ Petition.

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

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

8. Be that as it may, considering the facts and circumstances of the case, the impugned order dated 04.12.2015 passed by the Respondent vide proceedings in Na.Ka.8488/2015/A4, is set aside. The Respondent/Revenue Divisional Officer, Dharmapuri, Dharmapuri District is directed to issue Community Certificate to the Petitioner's minor children, viz. (i) I.Guruvarma and (ii) I.Kavimugilan, 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.

9. 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 Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1cc to M/s.S.Doraisamy, Advocate SR.No.70995

+1cc to Government Pleader SR.No.71450

W.P.No.27104 of 2018

GMV (23/10/2018)



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