

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. No. 28783 of 2018

S. Sumathi

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Ranipettai,
Vellore District.

2. The Revenue Divisional Officer,
Arani,
Thiruvannamalai District.

...Respondents

Prayer: Writ Petition filed under Article of 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order Na.Ka.A6/3958/2015 dated 07.06.2018 and consequential order Na.Ka.A5/3958/2015 dated 14.08.2018 on the file of the 1st respondent and quash the same and to consequentially directing the 1st respondent to issue community certificate to the petitioner and her children viz., S. Nivetha and S. Udhayavanan that they belong to "Kattu Naicken ST Community" based upon the community certificate already issued to the petitioner's husband M.Srinivasan, Husband's sister M.Jayanthi, petitioner own sister's children S. Sandhya and petitioner's uncle son S. Prakash, within stipulated time as fixed by this Court.

For Petitioner : Mr. N. Naganathan

For Respondents : Mr. V. Kathirvelu,
Spl. Government Pleader,

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Calling in question the impugned order Na.Ka.A6/3958/2015 dated 07.06.2018 and consequential order Na.Ka.A5/3958/2015

dated 14.08.2018 passed by the first respondent and seeking to direct the first respondent to issue community certificate to the petitioner and her children, viz., S. Nivetha and S. Udhayavanan, to the effect that they belong to "Kattu Naicken ST Community" based upon the community certificate already issued to the petitioner's husband, M.Srinivasan, Husband's sister M.Jayanthi, petitioner own sister's children S. Sandhya and petitioner's uncle son S. Prakash, the present writ petition has been filed.

2. By the impugned order, the request made by the petitioner was rejected on the ground that the petitioner's ancestors belong to Velleri village which comes within the jurisdiction of the Respondent No.2. This was done by placing reliance upon the G.O.Ms. No.61, Adi Dravidar and Tribal Welfare (ADW-10) Department, dated 04.04.2005.

3. It appears that the petitioner has made a request for issuance of community certificate for herself and her children to the effect that they belong to Kattu Naicken Community, which is a Scheduled Tribe community. According to the petitioner, her father was having ancestral home within the jurisdiction of the Respondent No.1. Admittedly, the parents and grandparents of the petitioner's husband were living within the territorial jurisdiction of the Respondent No.2. Therefore, any request for her children qua the community certificate will have to be made before Respondent No.2. The petitioner cannot seek community certificate from the first respondent on the premise that her husband and her family members, including parents and grandparents, were and are from the Velleri village and on that ground, she cannot insist the first respondent to give community certificate as if she belongs to Kattu Naicken community.

4. Therefore, we give liberty to the petitioner to make representation before the first respondent that her father was having his residence within the territorial jurisdiction of the first respondent. If such a request is made and the same is confirmed, the first respondent shall proceed to consider the matter on merit. The petitioner is given two weeks time to undertake the above said exercise. Appropriate orders will have to be passed within a period of 12 weeks from the date of receipt of a copy of this order.

5. Insofar as the request for the issuance of community certificate to the children are concerned, it is well open to the petitioner's husband to make a request to the Respondent No.2 as it is evident that the petitioner's husband and his ancestors were living in Velleri village, within the territorial jurisdiction of respondent No.2.

6. In such view of the matter, the petitioner or her husband is given liberty to make a request for issuance of community certificate to respondent No.2 within two weeks from the date of receipt of a copy of this order. As and when the same is made, the respondent No. 2 shall pass appropriate orders on the same within a period of 12 weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above said observations. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Ranipettai,
Vellore District.
2. The Revenue Divisional Officer,
Arani,
Thiruvannamalai District.

+2cc to Mr. N. Naganathan, Advocate sr.80332

W.P. No. 28783 of 2018

nr 18/12/2018

सत्यमेव जयते

WEB COPY