

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WRIT PETITION No.28681 of 2018

N.Sivan

... 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 Mandamus directing the Respondent to pass orders on the Application of the Petitioner, dated 04.01.2016 for the issuance of Community Certificate to the Petitioner's children viz. (i) S.Sushmitha (ii) S.Poovarasam and (iii) S.Vidya, that they belong to Kurumans (ST) Community, based upon the Community Certificate already issued to the Petitioner's father's brother's son G.Kandasamy.

For Petitioner : Mr.V.Elangovan

For Respondents : 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 this Writ Petition seeking a direction to the Respondent to pass orders on his Application, dated 04.01.2016 for the issuance of Community Certificate to his children viz. (i) S.Sushmitha (ii) S.Poovarasam and (iii) S.Vidya, that they belong to Kurumans (ST) Community, based upon the Community Certificate already issued to his father's brother's son G.Kandasamy.

2. According to the Petitioner, he belongs to Kurumans Community, which is a Scheduled Tribe Community. His father's own brother's son, viz. G.Kandasamy obtained Community

Certificate from the Respondent on 28.06.2018 stating that he belongs to Kurumans (ST) Community. Based on the same, the Petitioner preferred an Application to the Respondent on 04.01.2016, requesting to issue Community Certificate to his children, viz. (i) S.Sushmitha (ii)

S.Poovarasan and (iii) S.Vidya, that they belong to Kurumans (ST) Community. Along with the Application, the Petitioner has enclosed the following documents:

(i) School T.C. of S.Sushmitha

(ii) School T.C. of S.Poovarasan

(iii) School T.C. of S.Vidya

(iv) Family Card

(v) Community Certificate of the Petitioner's close relative G.Kandasamy, who is the Petitioner's father's own brother's son

3. Since no order was passed by the Respondent, the Petitioner sent a Reminder to the Respondent on 30.08.2018. However, no enquiry was conducted by the Respondent. Hence, the Petitioner is before this Court.

4. Heard the learned Counsel for the Petitioner and the learned Additional Government Pleader appearing for the Respondent.

5. Considering the limited scope of the prayer sought for in this Writ Petition, without traversing into the merits of the claim made by the Petitioner, this Court directs the Respondent herein to consider the Petitioner's Application dated 04.01.2016 seeking issuance of Community Certificate to his children, viz. (i) S.Sushmitha (ii) S.Poovarasan and (iii) S.Vidya, 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 six 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.

With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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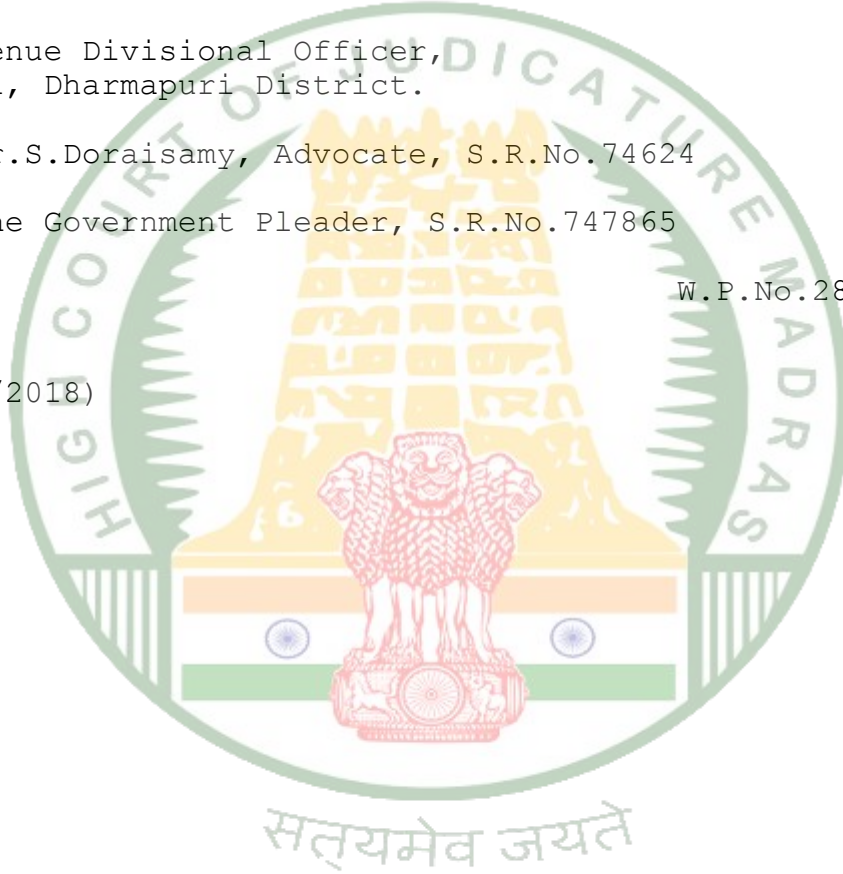
1.The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.74624

+1cc to the Government Pleader, S.R.No.747865

W.P.No.28681 of 2018

SS(CO)
GSP(31/10/2018)



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