

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.28668 of 2018

M.Manivannan

... 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 issue Community Certificate to the Petitioner and his children viz. (i) M.Harikumar and (ii) M.Kaviyarasu that they belong to Kurumans (ST) Community, based upon the Community Certificate already issued to the Petitioner's own brother A.M.Sivakumar and his children.

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 issue Community Certificate to him and his children viz. (i) M.Harikumar and (ii) M.Kaviyarasu that they belong to Kurumans (ST) Community, based upon the Community Certificate already issued to his own brother A.M.Sivakumar and his children.

2. According to the Petitioner, he belongs to Kurumans Community, which is a Scheduled Tribe Community. His own brother, viz. A.M.Sivakumar obtained Community Certificate from the Revenue Divisional Officer, Dharmapuri on 26.07.1996 that he belongs to Kurumans (ST) Community. Based on the same, the

Petitioner preferred an Application to the Respondent on 22.12.2017, requesting to issue Community Certificate to him and his children, that they belong to Kurumans (ST) Community. Along with the Application, the Petitioner has enclosed the following documents:

- (i) Community Certificate of the Petitioner's brother, A.M.Sivakumar, dated 26.07.1996
- (ii) Community Certificate of the Petitioner's brother's children, viz. S.Gowrisankar and S.Dhinusha
- (iii) State Level Scrutiny Report of the Petitioner's brother's wife K.Lakshmi
- (iv) Order passed in W.P.No.1807 of 2013
- (v) School Transfer Certificate of the Petitioner's children
- (vi) Family Tree Certificate

3. Thereafter, the Respondent forwarded the Petitioner's Application to the Tahsildar, Pennagaram to conduct enquiry and submit a Report. The Tahsildar also conducted an enquiry and concluded that the Petitioner belongs to Kurumans (ST) Community and sent a Report to the Respondent. However, no Certificate was issued by the Respondent till date.

4. Learned counsel for the Petitioner, relying on the ratio laid down by the Apex Court in the case of State of Bihar vs. Sumit Anand, 2005 (12) SCC 248, submitted that once the family members of the Applicant have a valid Community Certificate, the Authority concerned is bound to issue Community Certificate to the Applicant. Hence, he pleaded that the Respondent herein may be directed to issue valid Community Certificate to the Petitioner and his children, as the Petitioner's own brother has been issued Kurumans (ST) Community Certificate.

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

6. 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 representation dated

22.12.2017 seeking issuance of Community Certificate to him and his children viz. (i) M.Harikumar and (ii) M.Kaviyarasu that they belong to Kurumans (ST) Community, 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.

7. 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 VII)

//True Copy//

Sub Assistant Registrar

To:

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.74623

+1cc to the Government Pleader, S.R.No.74864

W.P.No.28668 of 2018

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

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