

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.4940 of 2019

K.Harishankar
S/o.Kuppovi Reddi

...Petitioner

Vs

The Revenue Divisional Officer,
Mettur Dam,
Salem District.

... Respondent

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondent to issue Community Certificate to the petitioner's minor son H.Nitin to the effect that he belongs to Hindu Konda Reddis (ST) Community pursuant to the application dated 08.11.2016.

For Petitioner : Mr.V.Vijay Shankar
For Respondents : Mr.J.Pothiraj,
Special Government Pleader

WEB COPY
ORDER

[Order was delivered by **R.SUBBIAH,J**]

Petitioner has filed the present Writ Petition seeking issuance of a Writ of Mandamus directing respondent to issue Community Certificate to the petitioner's minor son H.Nitin that he belongs to Hindu Konda Reddis

2. According to the petitioner, he belongs to Hindu 'Konda Reddis' Community (ST). Petitioner's father has obtained Community Certificate as early as in the year 1976 and his close relatives were also holding such Community Certificate. As the application filed by petitioner's father seeking issuance of Community Certificate for the petitioner, his brother and sister, has not been considered, petitioner's father filed W.P.No.18255 of 2011 before this Court. Pursuant to orders of this Court dated 18.11.2011, the Revenue Divisional Officer, Mettur Dam, issued Community Certificates. Thus, it is evidently clear that the petitioner's family belongs to Hindu 'Konda Reddis' Community (ST). Petitioner submitted an application on 08.11.2016 seeking issuance of a Community Certificate to his minor son H.Nitin to the respondent enclosing all the relevant documents. As there was no response from the respondent, petitioner has also sent a reminder. Since no action was taken, petitioner has filed the present petition seeking the aforesaid relief.

3. Heard learned counsel for petitioner and learned Special Government Pleader for respondent.

4. Learned counsel for petitioner made detailed submissions advertent to the averments made in the affidavit filed in support of the Writ Petition.

5. *Per Contra*, learned Special Government Pleader for respondent, relying on the report submitted by the respondent, opposed the prayer stating that petitioner and his predecessors have obtained Community Certificates suppressing many facts and in that regard, enquiry is pending and therefore, this Court may not issue positive direction.

6. This Court has considered the rival submissions.

7. In similar circumstances, this Court has issued positive direction to issue Community Certificate where the close/other relatives were issued with such Community Certificates. In this case, till date, the Community Certificates issued to the petitioner and his family members have not been cancelled. Given such position, this Court finds some justification in the prayer sought for by the petitioner.

8. Accordingly, this Court directs the respondent to issue Community Certificate to the petitioner's minor son H.Nitin that he belongs to Hindu 'Konda Reddis' Community (ST) within a period of six weeks from the date of receipt of this order. After issuance of the Community Certificate to the petitioner's minor son, the respondent is at liberty to sent the same for verification to the State Level Scrutiny Committee, including the Community Certificates already issued to the petitioner, his brother and

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AND
KRISHNAN RAMASAMY, J

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sister, if they have not yet been verified by the State Level Scrutiny Committee. The State Level Scrutiny committee is directed to conduct enquiry with regard to the genuineness of all the Community Certificates already issued and also the one that will be issued to petitioner's minor son and pass appropriate orders on or before 31.07.2019.

The Writ Petition is disposed of with the above direction. No costs.

[R.P.S., J] [K.R., J]
 04.04.2019

Note: Issue order copy by 10.04.2019

Speaking / Non-speaking order

Index : Yes/ No

Internet : Yes

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To

The Revenue Divisional Officer,
 Mettur Dam,
 Salem District.

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