

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM:

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

W.P.No.5692 of 2019

V.Valarmathi

.. Petitioner

Vs.

The Sub-Collector,
Tirupattur,
Vellore District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to issue Community Certificate to the petitioner that she belongs to Kurumans (ST) Community based upon the Community Certificate already issued to the petitioner's father C.Gopal, petitioner's children, viz., Suriyaprasath and Udayaprasath and petitioner's husband G.Venkatesan.

For petitioner : Mr.S.Doraisamy

For respondents : Mr.J.Pothiraj, Spl.G.P.

ORDER

(The Order of the Court was made by R.Subbiah,J)

The petitioner has come forward with the present Writ Petition praying for issuance of a Writ of Mandamus to direct the respondent to issue Community Certificate to the petitioner that she belongs to Kurumans (ST) Community based upon the Community Certificate already issued to the petitioner's father C.Gopal, petitioner's children, viz., Suriyaprasath and Udayaprasath and petitioner's husband G.Venkatesan.

2. In the affidavit filed in support of the Writ Petition, it is averred by the petitioner that she belongs to Kurumans Community, which is a Scheduled Tribe Community. She did not obtain any Community Certificate, as it was not required for her at that time. In fact, in all her school records, her community is entered as Kurumans (ST) Community. Her father C.Gopal obtained Community Certificate from the respondent stating that he belongs to Kurumans (ST) Community and her husband also belongs to Kurumans (ST) Community. Their two children, namely Suriyaprasath and Udayaprasath were also issued with Community

Certificate by the respondent stating that they belong to Kurumans (ST) Community. Since the Community Certificate is required for Government benefits, viz., loan and Election purposes, the petitioner preferred an application to the respondent on 24.10.2016 requesting to issue Community Certificate to the petitioner and the said application was forwarded to the Tahsildar, Vaniyampadi on 27.10.2016 to conduct an enquiry and submit a report. The Tahsildar conducted enquiry and submitted report. On 13.12.2017, again the respondent forwarded the petitioner's application to the Tahsildar, Vaniyampadi to conduct enquiry and submit a report, but however, till date, no Certificate was issued by the respondent. Hence, left with no other alternative, the petitioner has filed the present Writ Petition for the relief stated supra.

3. When the Writ Petition is taken up for consideration, learned counsel for the petitioner made detailed submissions advertng to the averments made in the affidavit filed in support of the Writ Petition. However, learned Special Government Pleader appearing for the respondent opposed the prayer stating that the enquiry is pending, and therefore, this Court may not issue positive direction. But however, we are of the opinion that 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's father, children and her husband were not cancelled. Under such circumstances, we find some justification in the prayer sought for by the petitioner. Consequently, this Court is constrained to pass the following order.

4. Accordingly, we direct the respondent to issue Kurumans (ST) Community Certificate to the petitioner within a period of six weeks from the date of receipt of a copy of this order. We make it clear that after issuance of the Community Certificate to the petitioner, the respondent is at liberty to send the same for verification to the State Level Scrutiny Committee, including the Community Certificates already issued to the petitioner's father, petitioner's children and the petitioner's husband, 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 those Community Certificates already issued and also the one that will be issued to the petitioner and pass appropriate orders on or before 31.07.2019.

5. With the above observations and directions, this Writ Petition is disposed of. No Costs.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

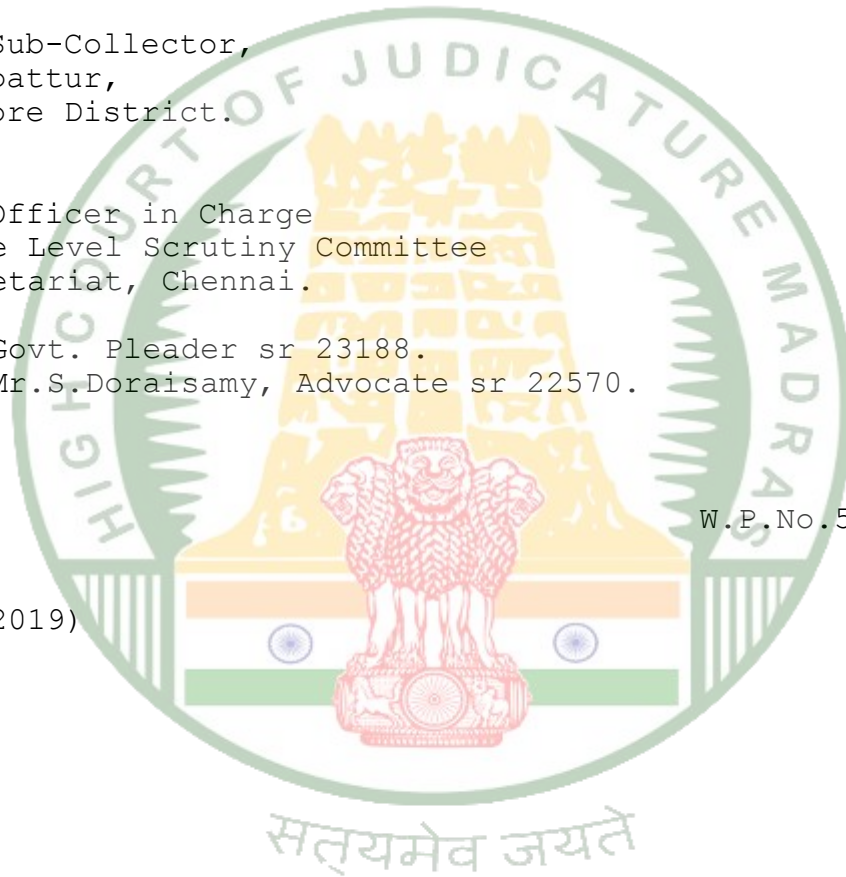
The Sub-Collector,
Tirupattur,
Vellore District.

Copy to
The Officer in Charge
State Level Scrutiny Committee
Secretariat, Chennai.

+1 CC to Govt. Pleader sr 23188.
+1 CC to Mr.S.Doraisamy, Advocate sr 22570.

W.P.No.5692 of 2019

SP(15/03/2019)



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