

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2019

Coram

The Hon'ble Mr. Justice R. Subbiah
and
The Hon'ble Mr. Justice Krishnan Ramasamy

Writ Petition No. 5957 of 2019

P. Maheswari

... Petitioner

Vs.

1. The Collector,
Dharmapuri,
Dharmapuri District.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to issue community certificate to the children of the petitioner viz. 1) S. Geerthanamani and 2) S. Chandru that they belong to "Kurumans (ST) community" based upon the community certificate possessed by the parents.

For Petitioner : Mr. S. Doraisamy.

For Respondents : Mr. D. Ragu,
Government Advocate.

O R D E R

[Order was delivered by R. SUBBIAH, J]

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus, directing the respondents to issue community certificate to the children of the petitioner viz. 1) S. Geerthanamani and 2) S. Chandru that they belong to "Kurumans (ST) community" based upon the community certificate possessed by the parents.

2.The case of the petitioner is that he belongs to Kurumans Community Schedule Tribes. The petitioner's husband also belongs to Kurumans Community as per school records and her husband died on 10.04.2017. Petitioner's husband obtained community certificate from the Revenue Divisional Officer, Dharmapuri on 12.05.1997 and her husband preferred an application to the second respondent on 18.11.2014 for issuance of community certificate for their children and along with the copies of the following documents:

- (a) Certificate issued by the RDO, Dharmapuri, dated 12.05.1997 to the petitioner.
- (b) Community certificate issued by the RDO, Dharmapuri, dated 12.05.1997 the petitioner's husband M.Subramanian.
- (c) Service record of the petitioner.
- (d) School Transfer Certificate of their children
- (e) Nativity certificate.

But, till date no order has been passed. Hence, the petitioner submitted that her husband filed a writ petition in W.P.No.29210 pf 2015. She further submitted that this Court passed an order dated 13.10.2015 in the said Writ Petition directing the second respondent to dispose of the said application within a period of four weeks. The second respondent conducted an enquiry and passed an order dated 21.10.2016, and in the enquiry, it was decided that they belong to kurumba and kurumbar community and their community certificate had been forwarded to the State Level Scrutiny Committee. The petitioner was also informed that they can pass final order only after the decision of the State Level Scrutiny Committee. Hence, the petitioner filed an Writ Petition in W.P.No.8167 of 2017, as against the said order. This Court pass an order on 24.07.2017, directing the petitioner to approach the first respondent.

3.The learned counsel appearing for the petitioner submitted that till date, the order has not been passed. The petitioner and her husband were having a valid community certificate. The Appellate Authority refused to issue a community certificate stating that the petitioner's children belongs to Kurumans Community.

4.The learned Government Advocate appearing for the respondents submitted that the appeal is pending and therefore, this Writ Petition is premature.

5.Taking into consideration the entire facts and circumstances of the case, this Court directs the first respondent to dispose of the said appeal and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner. It is made clear that this Court has not considered the merits of the matter and it is for the respondents to consider the same at the time of disposing of the appeal. Accordingly, this Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Collector,
Dharmapuri,
Dharmapuri District.

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

+1 CC to Mr.S.Doraisamy, Advocate sr 27410.

+1 CC to Govt. Pleader sr 28602.

Writ Petition No.5957 of 2019

PP (CO)
SP (03/04/2019)

सत्यमेव जयते

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