

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM:

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

W.P.No.6652 of 2019

R.Kalpana

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.
 2. The Chairman,
Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent No.1 to decide the application of the petitioner, dated 17.08.2015 and issue Kurumans Scheduled Tribe Community Certificates to the petitioner, the petitioner's husband Mr.V.Perumal and the petitioner's children, Raghul and Shalini, within a reasonable time as may be fixed by the Court.

For petitioner : Mr.M.Radhakrishnan
For respondents : Mr.J.Pothiraj, Spl.G.P.

ORDER

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

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to decide the application of the petitioner, dated 17.08.2015 and issue Kurumans Scheduled Tribe Community Certificates to the petitioner, the petitioner's husband Mr.V.Perumal and their children, Raghul and Shalini, within a reasonable time as may be fixed by the Court.

2. It is the case of the petitioner that she belongs to Kurumans Community, which is a Scheduled Tribe. On 17.08.2015, the petitioner made an application to the first respondent-

Revenue Divisional Officer for issuance of Kurumans Scheduled Tribe Community Certificates to herself, her husband Mr.V.Perumal and their children, Raghul and Shalini. Along with the said application, the petitioner had enclosed all the relevant documents including a cultural report on Kurumans. It is further stated that during enquiry held by the Revenue Authority in the village, the petitioner has also produced a copy of the Relationship Certificate, dated 04.11.2017 issued by the Tahsildar, Nallampalli, showing that one Mr.M.Adiyaman is her paternal uncle's son and also enclosed a copy of the proceedings, dated 01.12.2014 of the second respondent-Committee declaring the said Adiyaman as belonging to Kurumans Scheduled Tribe. It is the further case of the petitioner that the said Adiyaman is her blood relative, which is evident from the said Relationship Certificate. Hence, the first respondent ought to have considered the said application in the light of the said Relationship Certificate and also the said proceedings of the second respondent-Committee and ought to have issued the Kurumans Scheduled Tribe Community Certificates to herself and her family members. Since the said application is pending, she has filed the present Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. When the Writ Petition is taken up for consideration, learned counsel for the petitioner, by inviting the attention of this Court to the Genealogy (Family Tree)/Relationship Certificate of the petitioner, submitted that the petitioner's relatives were issued with Community Certificate, and based on the same, the Community Certificate could be issued to the petitioner and her family members.

5. However, the only ground raised by the petitioner is that the Genealogy (Family Tree of the blood relatives)/Relationship Certificate of the petitioner was not properly considered by the first respondent, as her blood relatives were issued with the Community Certificate. Hence, learned counsel for the petitioner prayed that the first respondent-RDO may be directed to issue Community Certificate to the petitioner and her family members.

6. But this Court is not inclined to give any positive direction, since the grievance of the petitioner is that the Genealogy (Family Tree)/Relationship Certificate was not considered by the respondents. Accordingly, the first respondent shall consider the application of the petitioner, dated 17.08.2015 for issuance of Community Certificate to herself, her husband Mr.V.Perumal and their children Raghul and Shalini. The first respondent-RDO shall consider the abovesaid Genealogy (Family Tree)/Relationship Certificate of the petitioner and examine the relationship between the petitioner and her

relatives and after affording an opportunity of hearing to the petitioner, pass appropriate orders on the said application, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner and also considering the enclosures made in the said application filed before the first respondent-RDO. 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 first respondent-RDO to analyse the same before passing orders on the said application. Ultimately, after complying with the above direction, if the Community Certificates are issued by the first respondent-RDO to the petitioner, her husband and their children, the same are subject to verification at a later point of time by the second respondent-State Level Scrutiny Committee.

7. With the above observations and directions, the Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

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To

1. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.
2. The Chairman,
Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.

+1 CC to Govt. Pleader sr 24677.
+1 CC to Mr.M.Radhakrishnan, Advocate sr 25371.

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AK(CO)
SP(22/04/2019)