

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.6645 of 2019
and
W.M.P.No.7465 of 2019

J.Sankar Kumar
S/o.K.R.Jayaraman

...Petitioner

Vs

The Sub-Collector-cum-
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 Certiorarified Mandamus calling for the records of the respondent in its No.Pa.Mu.No.2930/2017/D (Sl.No.7/29) dated 23.03.2018 and quash the same and consequently, direct the respondent to issue Community Certificate to the petitioner's minor son S.Srihari and minor daughter S.Harshitha to the effect that they belongs to the Hindu Konda Reddis Community (ST) in the light of the Community Certificate issued in favour of the petitioner on 25.04.1987.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.J.Pothiraj,
Special Government Pleader

ORDER

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

Petitioner has filed the present Writ Petition seeking quash of the proceedings of the respondent in No.Pa.Mu.No.2930/2017/D (Sl.No.7/29) dated 23.03.2018 and consequently, direct the respondent to issue Community Certificate to the petitioner's minor son S.Srihari and minor daughter S.Harshitha to the effect that they belong to the Hindu 'Konda Reddis' Community (ST) taking into consideration the Community Certificate issued to the petitioner on 25.04.1987.

2. According to the petitioner, he belongs to Hindu 'Konda Reddis' Community (ST). Petitioner's sister and his close relatives were also holding such Community Certificate. Petitioner submitted applications on 02.11.2016 seeking issuance of Community Certificates to his minor children S.Srihari and S.Harshitha to the respondent enclosing all the relevant documents. However, the Revenue Divisional Officer, Sangagiri (in-charge) has conducted discreet enquiry and rejected the application by his proceedings dated 23.03.2018. Having no other option, petitioner has approached this Court 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

adverting to the averments made in the affidavit filed in support of the Writ Petition.

5. *Per Contra*, learned Special Government Pleader for respondent submitted that due enquiry was conducted and it was found that the petitioner did not belong to Hindu 'Konda Reddis' Community (ST) and hence, the petitioner's applications were rejected 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 quashes the proceedings of the respondent in No.Pa.Mu.No.2930/2017/D (Sl.No.7/29) dated 23.03.2018 and directs the respondent to issue Community Certificate to the petitioner's minor children S.Srihari and S.Harshitha that they belong 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 children, 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 and his 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 children and pass appropriate orders on or before 31.07.2019.

The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

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

Note: Issue order copy by 10.04.2019

Speaking / Non-speaking order

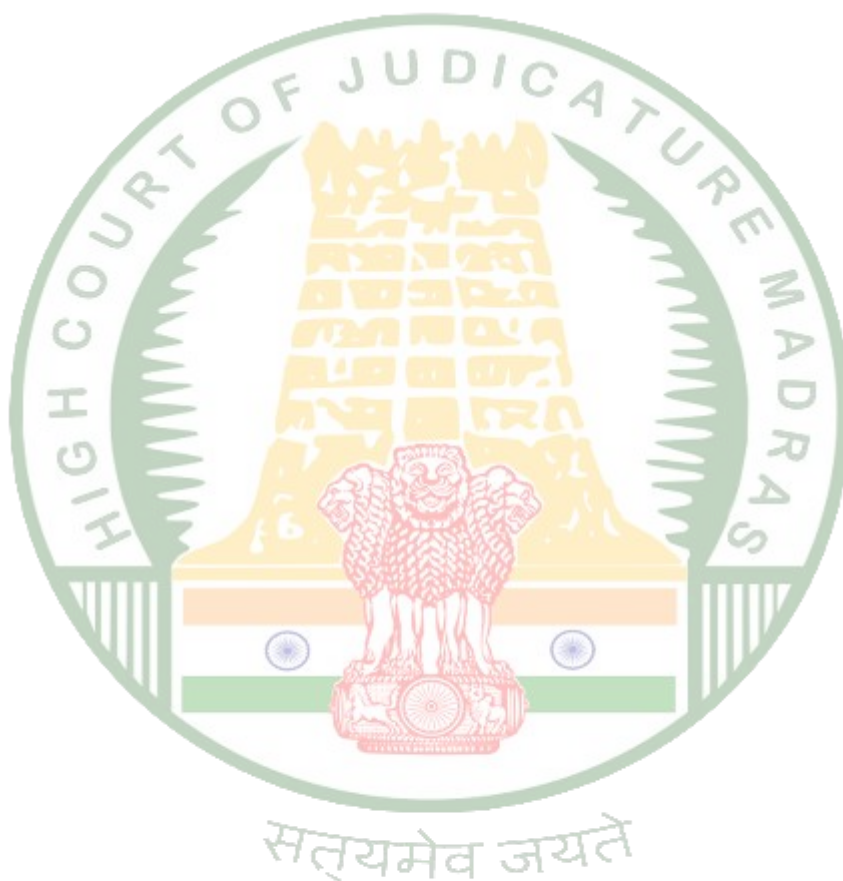
Index : Yes/ No

Internet : Yes

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To

The Revenue Divisional Officer,
Mettur Dam,
Salem District.



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KRISHNAN RAMASAMY, J

gm



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