

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM:

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

W.P.No.9931 of 2019

D.Nanjundan

.. Petitioner

Vs.

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for records relating to the order of rejection passed in Na.Ka.7781/2014/A4, dated 09.02.2015 on the file of the respondent, quash the same and direct the respondent to issue Community Certificate to the petitioner's children, namely Swarnalatha and Pavunraj that they belong to Kurichchan (ST) Community.

For petitioner : Mr.V.Elangovan

For respondent : 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 Certiorarified Mandamus to call for records relating to the order of rejection passed in Na.Ka.7781/2014/A4, dated 09.02.2015 on the file of the respondent, quash the same and direct the respondent to issue Community Certificate to the petitioner's children, namely Swarnalatha and Pavunraj that they belong to Kurichchan (ST) Community.

2. It is the case of the petitioner that he belongs to Kurichchan Community, which is classified as Schedule Tribe community. The petitioner did not obtain any Community

Certificate. In all his school records, the community of the petitioner is entered as Kurichchan (ST) Community. The petitioner preferred an application to the respondent on 21.07.2014 requesting to issue Community Certificate to both of his children to the effect that they belong to Kurichchan (ST) Community. Along with the said application, the petitioner has enclosed the following documents:

(i) The petitioner's School Transfer Certificate;

(ii) The School Transfer Certificates of the petitioner's children;

(iii) Anthropological Report submitted by Dr. Jakka Parthasarathy, Tribal Research Centre, and

(iv) Extract of the Book "Scheduled Tribes".

Thereafter, on 07.11.2014, the petitioner submitted sworn in statement as per the guidelines issued by the Supreme Court in Kumari Madhuri Patil case reported in AIR 1995 SC 94 = 1994 (6) SCC 241 (Madhuri Patil Vs. Commissioner, Tribal Development). Since no order was passed by the authority, the petitioner earlier filed a Writ Petition in W.P.No.30845 of 2014, in which on 26.11.2014, this Court directed the respondent to dispose of the application, and in consequence thereto, the respondent rejected the application by the impugned order dated 09.02.2015, against which the present Writ Petition is filed by the petitioner for the said prayer.

3. Be that as it may. As against the impugned order passed by the respondent-RDO, an appeal lies before the concerned District Collector. Accordingly, the petitioner is at liberty to prefer an appeal before the said Appellate Authority/District Collector. Resultantly, as and when such appeal is preferred by the petitioner, the District Collector concerned shall consider the appeal of the petitioner. The petitioner is also at liberty to produce the Genealogy (Family Tree)/Relationship Certificate of the petitioner and the District Collector shall examine the relationship between the petitioner and his relatives and after affording an opportunity of hearing to the petitioner, the District Collector shall pass appropriate orders on the said appeal, on merits and in accordance with law, within a period of six weeks from the date of filing of such appeal, and also considering the enclosures made in the said appeal that may be filed. 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 District Collector/Appellate Authority to analyse the same before passing orders on the said appeal. The petitioner is also at liberty to enclose all the relevant documents in

proof of such Community Certificate including the said Genealogy Tree.

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

Sd/-
Assistant Registrar(AD IV)

//True Copy//

Sub Assistant Registrar

cs

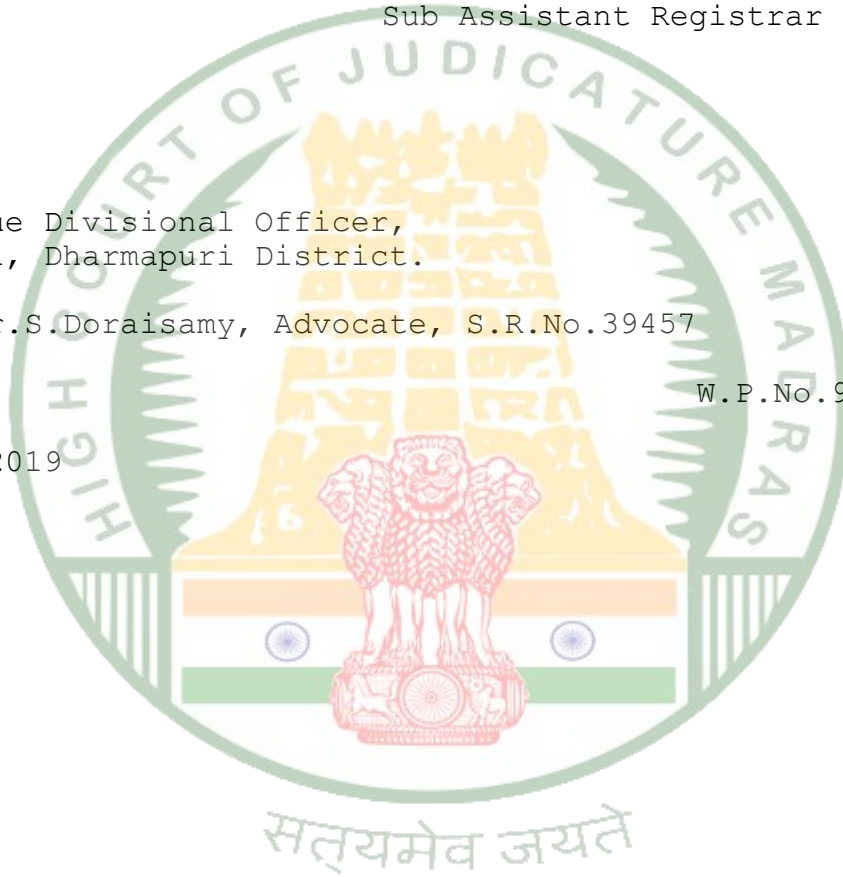
To

The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.39457

W.P.No.9931 of 2019

CS/20/05/2019



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