

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.11338 of 2019

R.Radhakrishnan

.. Petitioner

Vs.

The Sub-Collector/Revenue Divisional Officer,
Mettur Dam,
Salem 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 the records of the respondent in its Pa.Mu.No.2930/2017/D (Sl.No.19,21/29), dated 23.03.2018 and quash the same and consequently direct the respondent to issue Community Certificates to the petitioner's minor sons R.V.Lohith and R.Dharineesh to the effect that they belong to the Hindu Konda Reddis Community (ST) in the light of the Community Certificate issued in favour of the petitioner's brother R.Venkatesh on 25.04.1987.

For petitioner : Mr.V.Vijayashankar

For respondents : Mr.V.Shanmuga Sundar,
Special Government Pleader

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 Certiorarified Mandamus to call for the records of the respondent in its Pa.Mu.No.2930/2017/D (Sl.No.19,21/29), dated 23.03.2018 and quash the same and consequently direct the respondent to issue Community Certificates to the petitioner's minor sons R.V.Lohith and R.Dharineesh to the effect that they belong to the Hindu Konda Reddis Community (ST) in the light of the Community Certificate issued in favour of the petitioner's brother R.Venkatesh on 25.04.1987.

2. In a batch of Writ Petitions involving the same issue, this Court, in W.P.No.7979 of 2018, etc., batch, by order dated 02.08.2019, had observed/directed as follows:

"4. Heard the submissions of both sides and perused the materials available on record.

5. It is the contention of the learned counsel for the petitioner(s) that the father of the petitioner(s)/petitioner(s) being father(s), as the case may be, is/are having a valid Community Certificate and therefore, the children of the petitioner(s) or the petitioner(s) being children, as the case may be, are also entitled for the issuance of ST Community Certificate.

6. There is no doubt that if the father (s) is/are having a valid Community Certificates and if the said Community Certificates are not cancelled as on date, this Court's normal practice is that the concerned respondent/authority will be directed to issue Community Certificate and thereafter send the said Community Certificate to the State Level Scrutiny Committee for verification of the genuineness of the same.

7. Even in the instant cases, the fathers' Community Certificates were not yet cancelled so far. So long as the fathers' Community Certificate having been not cancelled till date, there is no impediment to issue Community Certificate to the children.

8. Therefore, in all these Writ Petitions, we are of the opinion that in the absence of cancellation of the Community Certificates of the fathers, it is not open for the respondent(s) to reject the application for issuance of the Community Certificate for the children. Hence, the children are entitled for issuance of Community Certificates.

9. Accordingly, this Court directs the respondents to issue Provisional Community Certificates to the petitioners' children or the petitioner(s) being children, as the case may be, by making an endorsement on the same that as per the, direction of this Court, the

said Community Certificates is/are being issued, subject to the verification of the genuineness of the same by the State Level Scrutiny Committee. After the conformity of the genuineness of the said Community Certificates by the State Level Scrutiny Committee, the respondent(s) shall issue permanent Community Certificates to the petitioners' children or the petitioner(s) being the children, as the case may be.

10. With the above observations and directions, these Writ Petitions are disposed of. No Costs."

3. In the abovesaid batch of Writ Petitions, the provisional Community Certificates were directed to be issued based on the Community Certificate of the father of the petitioners therein. In the case on hand, the Community Certificate was already issued to the own brother of the petitioner, which has not been cancelled as on date. Hence, the order passed in the abovesaid batch of the Writ Petitions, squarely applies to the case on hand.

4. Accordingly, this Court directs the respondent herein to issue Provisional Community Certificates to the petitioners' children/minor sons, namely R.V.Lohith and R.Dharineesh, by making an endorsement on the same that as per the direction of this Court, the said Community Certificates are being issued, subject to the verification of the genuineness of the same by the State Level Scrutiny Committee. After the conformity of the genuineness of the said Community Certificates by the State Level Scrutiny Committee, the respondent shall issue permanent Community Certificates to the petitioners' children named above.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Sub-Collector/Revenue Divisional Officer,
Mettur Dam, Salem District.

+1 cc to M/s.V.Vijaya Shankar, Advocate Sr.No. 69923
AKM/15.10.19/3P- 3C/

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