

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.11318 of 2019

B.Vinoth Kumar

.. 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.17,18/29), dated 23.03.2018 and quash the same and consequently direct the respondent to issue Community Certificate to the petitioner's minor son V.Kaneish to the effect that he belongs to the Hindu Konda Reddis Community (ST) in the light of the Community Certificate issued in favour of the petitioner on 06.11.1989.

For petitioner : Mr.V.Vijay Shankar

For respondents : 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 the records of the respondent in its Pa.Mu.No.2930/2017/D (Sl.No.17,18/29), dated 23.03.2018 and quash the same and consequently direct the respondent to issue Community Certificate to the petitioner's minor son V.Kaneish to the effect that he belongs to the Hindu Konda Reddis Community (ST) in the light of the Community Certificate issued in favour of the petitioner on 30.06.1986.

2. It is the case of the petitioner that his family belongs to Konda Reddis Community, which is classified as a Scheduled Tribe Community. The petitioner was issued with Community Certificate on 06.11.1989 by the Tahsildar, Mettur Dam. The petitioner's own sister B.Pradeepa was also issued with a Community Certificate in the year 1986 by the Tahsildar. All of them, including the petitioner, had been described as belonging

to the Konda Reddis Community in their educational and land records. It is also stated that the petitioner's close relatives possess Community Certificates describing them as belonging to Konda Reddis Community.

3. On 20.10.2016, the petitioner applied to the respondent for issuance of Community Certificate for his minor son V.Kaneish, by enclosing necessary documents including Community Certificates of himself, his sister and other close relatives. By the impugned order dated 23.03.2018, the petitioner's application stated above, was rejected. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

4. When the Writ Petition is taken up for hearing, the learned counsel for the petitioner made his submissions adverting to the averments made in the affidavit filed in support of the Writ Petition.

5. This Court also heard the submissions of the learned Special Government Pleader appearing for the respondent on the above aspects.

6. Learned counsel for the petitioner submitted that by the impugned order, a common order has been passed in respect of several individuals who applied along with the petitioner by assigning stereo-typed reasons and the respondent has summarily rejected the petitioner's request. However, learned counsel for the petitioner submitted that the respondent/RDO has made discreet enquiry behind the back of the petitioner and placed reliance on such materials. Learned counsel for the petitioner further stated that the impugned order was passed by the RDO, Sankagiri, who was holding the additional charge of the post of RDO, Mettur Dam.

7. Be that as it may. As on date, the Community Certificates issued to the petitioner, his sister and also of his close relatives, were not cancelled and when they were not cancelled, there cannot be any impediment in issuing the Community Certificate to the petitioner's son. Accordingly, the respondent-RDO Mettur Dam, Salem District, is directed to issue a Community Certificate to the petitioner's son named above, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the respondent-RDO, Mettur Dam, Salem District is directed to refer the said Community Certificate of the petitioner, petitioner's sister and also his close relatives and also of his son to be issued as directed above, to the State Level Scrutiny Committee for verification of the genuineness of the same. The State Level Scrutiny Committee shall verify the genuineness of the Community Certificates of the petitioner, petitioner's sister and also of his close

relatives, as also his son to be issued as directed above, and pass appropriate orders on or before 31.10.2019.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

CS

To

1. The Sub-Collector/Revenue Divisional Officer,
Mettur Dam,
Salem District.
2. The Chairman,
The State Level Scrutiny Committee,
Secretariat,
Chennai-600 009.

+1 cc to Mr.V.Vijay Shankar, Advocate, Sr.No. 38653

+1 cc to The Government Pleader, Sr.No. 38849

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NMI (CO)
CSL/01.06.2019



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