

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2019

CORAM

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

Writ Petition No.19133 of 2019

M.Bhuvanesh
S/o.A.Mahendran

...Petitioner

Vs

1.The Revenue Divisional Officer,
Tondiarpet, Chennai - 600 081.

2.The Revenue Divisional Officer,
Ambattur, Chennai - 600 040.

[R2 impleaded vide order dated 30.07.2019
made in W.M.P.No.21728/19 ... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents to issue Community Certificate to the petitioner's son Minor Adhvik Bhuvanesh that he belongs to 'Kurumans (ST)' community based upon the Community Certificate already issued to the petitioner, his father and his sister and proceedings of the State Level Scrutiny Committee passed in favour of the petitioner's father in proceedings No.14231/CV-4/2014-5, dated 27.03.2015.

For Petitioner : Mr.S.Doraisamy

For Respondents: Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

[Order was made by R.SUBBIAH, J]

Petitioner has filed the present Writ Petition seeking issuance of a Writ of Mandamus directing respondents to issue Community Certificate to the petitioner's son Minor Adhvik Bhuvanesh that he belongs to 'Kurumans (ST)' community based upon the Community Certificate already issued to the petitioner, his father and his sister and proceedings of the State Level Scrutiny Committee passed in favour of the petitioner's father

in proceedings No.14231/CV-4/2014-5, dated 27.03.2015.

2. According to petitioner, he obtained Community Certificate from P.A(G) to the District Collector, Chennai, on 13.07.2004 stating that he belongs to 'Kurumans (ST)' community, which is a Scheduled Tribe Community. Petitioner's father also obtained Community Certificate from the Tahsildar, Purasaiwalkam, Perambur Taluk on 07.04.1989. The Community Certificates were issued after proper verification and enquiry. In fact, the petitioner's father was working as a Senior Section Engineer at Souther Railway under ST quota. Petitioner's father's employer sent his Community Certificate to State Level Scrutiny Committee for verification and the State Level Scrutiny Committed, after due enquiry, rendered a finding that the petitioner's father's Community Certificate is genuine. Petitioner has submitted an application to the respondent on 09.10.2017 requesting to issue certificate to his son viz., Minor Advik Bhuvanesh, enclosing the following documents:

1. Petitioner's Community Certificate.
2. Petitioner's Father and Sister's Community Certificate.
3. State Level Scrutiny Committee's report of petitioner's father.
4. Community Certificate of petitioner's uncle A.Sivakumar.
5. Petitioner's school records.
6. Community Certificate of petitioner's close relatives.
7. Sale Deed.

The grievance of petitioner is that till date, no orders have been passed on the said application. Having no other alternate remedy, petitioner has filed the present Writ Petition.

3. Heard learned counsel for petitioner and learned Special Government Pleader for respondents.

4. Today, when the matter is taken up for consideration, learned Special Government Pleader, submitted that presently, the second respondent/Revenue Divisional Officer, Ambattur, Chennai, has sent a notice to petitioner directing him to appear on 06.08.2019 for an enquiry with regard to his application seeking Community Certificate for his son. On that day, after conducting due enquiry, appropriate orders would be passed on the petitioner's application.

5. In view of the submission made by learned Special Government Pleader, without going into the merits of the case, this Court directs the petitioner to appear before the second respondent on 06.08.2019 and produce all the documents in support of his claim. Second respondent is directed to conduct due enquiry, consider all the documents produced by petitioner and pass appropriate orders on merits and in accordance with law

within a period of six weeks from the date of receipt of this order.

The Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

gm

To

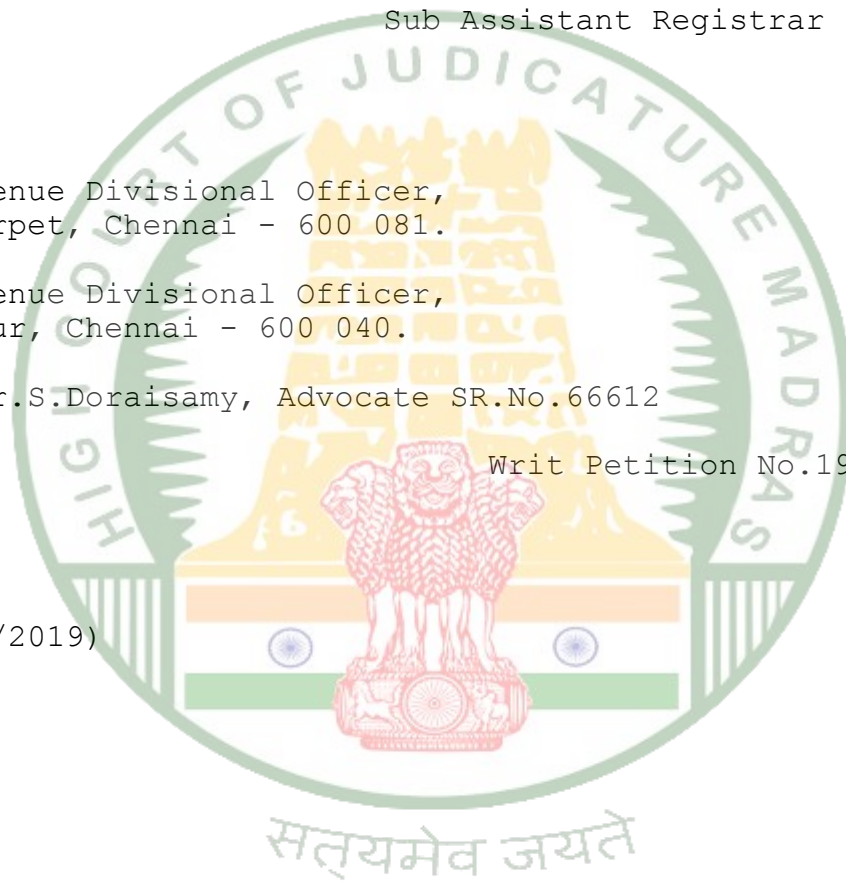
1.The Revenue Divisional Officer,
Tondiarpet, Chennai - 600 081.

2.The Revenue Divisional Officer,
Ambattur, Chennai - 600 040.

+1cc to Mr.S.Doraisamy, Advocate SR.No.66612

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SPD(CO)
GMY(27/08/2019)



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