

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2019

CORAM:

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

Writ Petition No.20854 of 2019

P.Ganesan
S/o.Perumal

.. Petitioner

Vs.

The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing respondent to issue Community Certificate to the petitioner and his daughter G.Nandhini and Son G.Vignesh to the effect that they belong to Kattunayakan Community (Scheduled Tribe) in the light of Tahsildar, Thiruvannamalai, Revenue Inspector, Thiruvannamalai (North), Village Administrative Officer enquiry reports and School Certificates.

For Petitioner : Mr.L.Chandra Kumar
for Mr.N.Naganathan

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

सत्यमेव जयते
O R D E R

[Order of the Court was made by R.SUBBIAH, J]

The present Writ Petition has been filed seeking issuance of a Writ of Mandamus directing respondent to issue Community Certificates to the petitioner and his daughter G.Nandhini and Son G.Vignesh to the effect that they belong to 'Kattunayakan' Community (Scheduled Tribe) in the light of Tahsildar, Thiruvannamalai, Revenue Inspector, Thiruvannamalai (North), Village Administrative Officer's enquiry reports and School Certificates.

2. Heard learned counsel for petitioner and learned Special Government Pleader for respondent.

3. Learned counsel for petitioner submits that petitioner's family belong to 'Kattunayakan' Community, which is a Scheduled Tribe Community. Petitioner's maternal uncle viz., Kannan has obtained a Community Certificate from Revenue Divisional Officer, Villupuram, on 01.03.2019, stating that he belongs to Kattunayakan Community. In the School Records, petitioner's community was mentioned as 'Kattunayakan'. Likewise, in the school records of his wife and children. Petitioner's close relatives are also holding such a certificate. Petitioner submitted an application to respondent seeking issuance of Community Certificate to him, his wife and children, enclosing necessary documents. Since no action was taken, petitioner sent reminders one after another. Thereafter, respondent forwarded petitioner's application to the Tahsildar, Thiruvannamalai, on 22.02.2014 for conducting enquiry. The Revenue Inspector conducted a detailed enquiry and submitted his report to the Tahsildar, Thiruvannamalai, along with the report of Village Administrative Officer. Based on such reports, the Tahsildar, Thiruvannamalai, also submitted his report to the respondent stating that petitioner belongs to 'Kattunayakan' community and recommended to issue Community Certificate. However, till date, no order was passed. Having no other alternate remedy, petitioner has filed the present Writ Petition seeking the aforesaid relief.

4. On the other hand, learned Special Government Pleader appearing for respondent, relying on the counter filed by respondent, submits that no specific recommendation has been made by Tahsildar, Thiruvannamalai. Petitioner was called for enquiry by respondent on 09.10.2015 and based on the said enquiry, a reference has been made on 12.08.2016 to the Under Secretary to Government, Adi Dravidar and Tribal Welfare Department, Secretariat, Chennai, towards getting clarification as to whether the petitioner would fall within the Scheduled Tribe category, which, again was forwarded to the Tribal Research Institute, Ooty on 07.10.2016. Respondent has also sent the enquiry details to the Tribal Research Institute, Ooty, on 21.05.2018. A summon was also issued to the petitioner calling him to produce certain original documents. Upon production of the said documents, respondent will pass appropriate orders on the petitioner's application. Submitting as above, learned Special Government Pleader prays for dismissal of the petition.

5. This Court has considered the rival submissions.

6. This Court does not conduct any roving enquiry under Article 226 of the Constitution of India. Presently, the matter

is pending on the file of respondent. In such circumstance, the petitioner is directed to submit the documents, called for by respondent and the respondent, taking into consideration the report of the State Level Scrutiny Committee and Anthropologist's report in respect of petitioner's relatives, is directed to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of production of documents by the petitioner.

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

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

gm

To
The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

+1cc to Mr.N.Naganathan, Advocate SR.No.68375

+1cc to Government Pleader SR.No.69386

Writ Petition No.20854 of 2019

SSD(CO)
GMY(12/09/2019)

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