

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P. No.34684 of 2019

A.Muniyappa

.. Petitioner

v.

The Sub Collector,
Hosur,
Krishnagiri District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent to issue community certificate to the petitioner and his sons 1) M.Sudhakar, 2)M.Karunakar, daughter 3)M.Sarvamangalam and his grandchildren 4)S.Shruthilayaa, 5)S.Sharath Sachin, 6) K.Srinidhi, 7)K.Daiwik, 8)P.Roopashree and petitioner's wife M.Munilakshmi and petitioner's daughter-in-law M.Drakshayani that they belong to Kurichchan (ST) Community based upon the proceedings of the State Level Scrutiny Committee passed in favour of the petitioner in Proceedings No.1584/CVIII/2014-7 dated 10.10.2019.

For petitioner : Mr.V.Elangovan

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

ORDER

(Order of this Court was made by R.SUBBIAH,J.)

The writ petition has been filed for issuance of Mandamus, directing the respondent to issue community certificate to the petitioner, his sons 1)M.Sudhakar, 2)M.Karunakar, daughter 3) M.Sarvamangalam, grandchildren 4)S.Shruthilayaa, 5)S.Sharath Sachin, 6)K.Srinidhi, 7)K.Daiwik, 8)P.Roopashree, petitioner's wife M.Munilakshmi and petitioner's daughter-in-law M.Drakshayani stating that they belong to Kurichchan (ST) Community based upon the proceedings of the State Level Scrutiny

Committee passed in favour of the petitioner in Proceedings No.1584/CVIII/2014-7 dated 10.10.2019.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioner belongs to Kurichchan community which is a Scheduled Tribe. His relatives were issued with the community certificate by the competent authorities stating that they belong to Kurichchan Community. While so, on 15.12.2007, the petitioner preferred an Application to the respondent to issue community certificate to his children enclosing 22 documents in support of his claim. Since no order was passed, the petitioner filed a Writ Petition in W.P. No.14468 of 2009 for a direction to issue community certificate to his sons, daughter and grand daughters. This Court by order dated 27.07.2009 directed the respondent to consider and pass orders on the petitioner's application. As there was no response from the respondent, the petitioner filed a Contempt Petition in Cont. P. No.565 of 2012. Pending Contempt Petition, the respondent hurriedly passed an order dated 09.04.2012 rejecting the petitioner's application. Against the order of rejection, the petitioner filed a Writ Petition in W.P. No.12135 of 2012. The Division Bench of this Court by an order dated 06.12.2012 disposed of the same by directing the petitioner to approach the State Level Scrutiny Committee. Thereafter, the petitioner preferred an Appeal to the State Level Scrutiny Committee. Since the State Level Scrutiny Committee did not proceed with the enquiry as per directions of this Court, the petitioner again filed a Writ Petition in W.P. No.17283 of 2014. By order dated 02.07.2014, this Court directed the State Level Scrutiny Committee to dispose of the petitioner's Appeal. After conducting a due enquiry, the State Level Committee given its finding that the petitioner's claim is genuine and that the family members of the petitioner are entitled to get community certificate. Based upon the above findings, the respondent issued notice to the petitioner on 21.11.2019 for enquiry. On enquiry, although the petitioner appeared and submitted necessary documents and also made representation dated 23.10.2019 requesting the respondent to issue community certificate, no action has been taken by the respondent. Feeling aggrieved, the petitioner is before this Court seeking the above direction.

3. When the matter is taken up for consideration, learned Special Government Pleader appearing for the respondent admitted that the petitioner's community was verified by the State Level Scrutiny Committee.

4.Since the petitioner was issued with the community certificate as per Proceedings No.1584/CVIII/2014-7 dated 10.10.2019, we are of the opinion that there cannot be any impediment to issue community certificate to the petitioner's sons and daughter. Therefore, the respondent is directed to issue community certificate to the petitioner's sons and daughter within a period of six weeks from the date of receipt of a copy of this order, in the light of the Proceedings No.1584/CVIII/2014-7 dated 10.10.2019 issued by the State Level Scrutiny Committee.

5.With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Sub Collector,
Hosur, Krishnagiri District.

+1cc to M/s.S.Doraisamy, Advocate SR.NO.4681

AKM/27.01.2020 /3P-3C/

W.P. No.34684 of 2019

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