

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.Nos. 5563, 5567, 5569, 5573, 5714 to 5716 and 5718 of 2021

L.Mahendran	.. Petitioner in W.P.No. 5563 of 2021
M.Chalukyan	.. Petitioner in W.P.No. 5567 of 2021
Kabilan L.A	.. Petitioner in W.P.No. 5569 of 2021
Prabhavathi	.. Petitioner in W.P.No. 5573 of 2021
G.Mythili	.. Petitioner in W.P.No. 5714 of 2021
G.Kalpana	.. Petitioner in W.P.No. 5715 of 2021
G.Gomathy	.. Petitioner in W.P.No. 5716 of 2021
S.Lakshmisaraswathy	.. Petitioner in W.P.No. 5718 of 2021

Vs.

The Sub Collector,
Tirupattur,
Tirupattur District - 635 601. ..Respondents in all
the Petitions

Prayer in W.P.No. 5563 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to issue a community certificate to the petitioner's son Vignesh.M to the effect that he belongs to "Kurumans" Scheduled Tribe.

Prayer in W.P.No. 5567 of 2021:

Directing the respondent to issue a community certificate to the petitioner to the effect that he belongs to Kurumans Scheduled Tribe.

Prayer in W.P.No. 5569 of 2021:

Directing the respondent to issue a community certificate to the petitioner to the effect that he belongs to Kurumans Scheduled Tribe.

Prayer in W.P.No. 5573 of 2021:

Directing the respondent to issue a community certificate to the petitioners grand children viz. Paridhi.P and Advika.N to the effect that they belong to Kurumans Scheduled Tribe.

Prayer in W.P.No. 5714 of 2021:

Directing the respondent to issue community certificates to the petitioner and her two children Viz. Karthigeyan .R and Nanthini. R to the effect that they belong to Kurumans Scheduled Tribe, and thus render justice.

Prayer in W.P.No. 5715 of 2021:

Directing the respondent to issue community certificates to the petitioner and her two children Viz. Nithiyayaazhini.V.K. and Inbhatamizhini V.K to the effect that they belong to Kurumans Scheduled Tribe, and thus render justice.

Prayer in W.P.No. 5716 of 2021:

Directing the respondent to issue community certificates to the petitioner and her two children Viz.Ashwin.K and Kamesh.K to the effect that they belong to Kurumans Scheduled Tribe, and thus render justice.

Prayer in W.P.No. 5718 of 2021:

Directing the respondent to issue community certificates to the petitioner and her two children Viz.G.Subalakshmi and G.Kulothungan to the effect that they belong to Kurumans Scheduled Tribe, and thus render justice.

For Petitioner
(in all WPs) : Mr.Radhakrishnan

For Respondents
(in all WP) : Mr.R.Vijayakumar,
Additional Government Pleader

सत्यमेव जयते

COMMON ORDER

(Order of the Court was made by M. SATHYANARAYANAN, J.)

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By consent, all the writ petitions are taken up and is disposed of by this common order as the prayer made by the petitioners is for the issuance of the Hindu Scheduled Tribe Community Certificates based upon their application/representation.

2. The petitioner in W.P.No.5563 of 2021 submitted an application/representation dated 16.03.2019 praying for the

issuance of the Hindu Scheduled Tribe Kurumans Community Certificate in favour of his son, namely, M.Vignesh. The petitioner in W.P.No.5567 of 2021 submitted an application/representation dated 16.03.2019 praying for the issuance of the Hindu Scheduled Tribe Kurumans Community Certificate to him. The petitioner in W.P.No.5569 of 2021 submitted an application/representation dated 16.03.2019 praying for the issuance of the Hindu Scheduled Tribe Kurumans Community Certificate to him. The petitioner in W.P.No. 5573 of 2021 submitted an application/representation dated 16.03.2019 praying for issuance of the Hindu Scheduled Tribe Kurumans Community Certificate in favour of grand children, namely, Paridhi.P and Advika.N. The petitioner in W.P.No. 5714 of 2021 submitted an application/representation dated 16.03.2019 praying for the issuance of the Hindu Scheduled Tribe Kurumans Community Certificate in favour of her two children, namely, Karthigeyan.R and Nanthini.R. The petitioner in W.P.No. 5715 of 2021 submitted an application/representation dated 16.03.2019 praying for issuance of Hindu Scheduled Tribe Kurumans Community Certificate in favour her two children, namely, Nithyayaazhini.V.K. And Inbhatamizhini V.K. The petitioner in W.P.No.5716 of 2021 prays for issuance of Hindu Scheduled Tribe Community Certificate in favour of her two children, namely, Ashwin.K and Kamesh.K and the petitioner W.P.No.5718 of 2021 prays of the issuance of Hindu Scheduled Tribe Kurumans Community Certificate in favour of her two children namely, G.Subalakshmi and G.Kulothungan.

3. All the matters were listed for admission on 09.03.2021 and on that day Mr.R.Vijayakumar, learned Additional Government Pleader who accepted notice on behalf of the respondent sought for time to get instructions and, therefore, the prayer sought for by the petitioners in these writ petitions lie within a narrow compass and this Court has directed listing of the matter today under the caption 'for orders'.

4. Mr.Radhakrishnan, learned counsel appearing for the petitioners would submit that though the application/representation were for submitted by the petitioners as early as 16.03.2019 for issuance of the Hindu Scheduled Tribe Kuruman Community Certificates, the said application/representation has not been considered at all and, therefore, prays for appropriate orders for consideration of the earlier disposal of the said application/representation by the sole respondent in accordance with law.

5. Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the sole respondent would submit in the light of the facts that there is a great abuse and misuse for getting the Hindu Scheduled Tribe Certificates primarily for the purpose of employment and educational

purposes, a through and detail enquiry would normally be conducted and in such a view of the matter, the delay in consideration for the application/representation cannot be put against the respondent and he would further add that the application/representation submitted in this regard would be given disposal as expeditiously as possible and in accordance with law.

6. This Court has carefully considered the rival submissions and the also materials placed before us.

7. Though the petitioners prayed for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by them either in the application/representation or in the writ petitions, directs the respondent to consider and dispose of the application/representation dated 16.03.2019 on merits and in accordance with law and pass appropriate orders within a period of 12 (Twelve) weeks from the date of receipt of the copy of this order/uploading of the order in the website and communicate the decision taken, to the petitioners.

8. The writ petitions stand disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssm

To:
The Sub Collector,
Tirupattur,
Tirupattur District - 635 601.

+8cc to Mr.M.Radhakrishnan, Advocate, S.R.No.18831

+1cc to Government Pleader, Sr.No.19181

W.P.Nos. 5563, 5567,5569,5573,
5714 to 5716 and 5718 of 2021

GP(CO)
KM(28/04/2021)