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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]Nos.11484 & 11505 of 2021

C.Dineshpandi : Petitioner in W.P.[MD]No.11484/21
C.Hemalakshmi : Petitioner in W.P.[MD]No.11505/21

Vs.

1.The Chairman,
State Level Scrutiny Committee-II,
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare Office,
(CV3), Secretariat,
Chennai - 600 009.

2.The Revenue Divisional Officer,
Usilampatti Division,
Madurai District.

... Respondents

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writs of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 28.06.2021 and order to the 1st respondent to pass a genuineness order of the petitioner's Kammara Community Certificate Nos. 172995 and 172994 on the basis of their father's community certificate genuineness order passed by the 1st respondent on 03.03.2020 in his proceedings No.3049/CV-III/2015-5.

For Petitioner : Mr.M.Sheik Abdullah
For Respondents : Mr.R.Baskaran
Standing Counsel for Government
[In both Writ Petitions]

COMMON ORDER

[Common Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, these Writ Petitions themselves are taken up for final disposal.

2.Heard Mr.M.Sheik Abdullah, learned Counsel appearing for the petitioner and Mr.R.Baskaran, learned Standing Counsel for Government appearing for the respondents.

3.The petitioners have filed these Writ Petitions praying for Writs of Mandamus, directing the 1st respondent to consider their
<https://hcservices.ecourts.gov.in/hcservices/>



representation dated 28.06.2021 and order to the 1st respondent to pass a genuineness order of the petitioners' Kammara Community Certificate No.172994, on the basis of their father's community certificate genuineness order passed by the 1st respondent on 03.03.2020 in his proceedings No.3049/CV-III/2015-5.

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4.The genuineness of the community certificate issued to the petitioner's father Thiru.V.Chellapandian S/o.Thiru.S.Vellaichamy, was verified and the Tamil Nadu State Level Scrutiny Committee -II, by order dated 03.03.2020, has certified the genuineness and held that the petitioners' father belongs to Kammara Scheduled Tribe community and the certificate issued to him is valid. In the said order dated 03.03.2020, the Tamil Nadu State Level Scrutiny Committee-II has also noted the statements recorded during the enquiry, wherein it has been stated that the information provided by the local public is not only applicable to Mr.V.Chellapandian, but also applicable to his children C.Hemalakshmi and C.Deineshpandi, who are the petitioners herein. The relevant portion of the order reads as follows:

"4.The District Collector, Madurai has sent the issuance records relating to the Scheduled Tribes Kammara Community Certificate of the individual Thiru.V.Chellapandian, S/o.Thiru.S.Vellaichamy and on perusal of the same it was noticed that the said Kammara Community Certificate has been issued to him by the then Revenue Divisional Officer, Usilampatti. Further, the Revenue Divisional Officer, Usilampatti in his spot enquiry report vide Letter No.2523/2015/A1, dated 20.06.2016, has inferred that the confirmation that Thiru.V.Chellapandian belongs to Hindu Kammara Community, based on the documents submitted by the individual and his deposition regarding cultural traits, information provided by the local people, and the statement of the concerned Village Administrative Officer, is also applicable to his children namely C.Hemalakshmi and C.Dineshpandi that they belong to Hindu Kammara Community."

5.In the light of the above order, there should not be any difficulty for the respondents to grant community certificate to the petitioners as already community certificate issued to the petitioners' father has found to be genuine and is valid.

6.In the light of the above, we dispose of the writ petitions by directing the first respondent to take note of the petitioners' representation dated 28.06.2021, by considering the proceedings of the Tamil Nadu State Level Scrutiny Committee in proceedings No.3049/CV-III/2015-5 dated 03.03.2020 and proceed to issue community certificate to the petitioners. This direction be complied



with within a period of twelve [12] weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Chairman,
State Level Scrutiny Committee-II,
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare Office,
(CV3), Secretariat,
Chennai - 600 009.

2.The Revenue Divisional Officer,
Usilampatti Division,
Madurai District.

+1CC to Mr.M. Sheik Abdullah, Advocate (SR No. 22179) dated
12.07.2021

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09.07.2021

SE (CO)

LR (16.07.2021) 3P 4C