



WEB COPY

W.P.(MD).No.12552 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P. (MD) .No.12552 of 2021

V.Sivasankar

...Petitioner

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

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 13.07.2021 and order to the first respondent to pass a genuineness order of his Kammara Community certificate No.172966 on the basis of the petitioner's father's community certificate genuineness order passed by the first respondent on 03.03.2020 in his proceedings No.3050/CV-III/2015-6.

For Petitioner : Mr.M.Sheik Abdullah

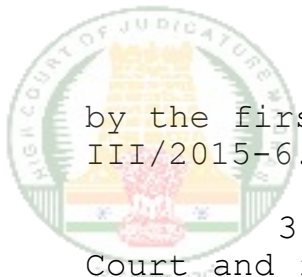
For Respondents : Mr.R.Baskaran,
Standing Counsel for Government

O R D E R

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

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

2.The petitioner seeks for a direction upon the first respondent to consider his representation, dated 13.07.2021 and order to the first respondent to pass a genuineness order of his Kammara Community certificate No.172966 on the basis of the petitioner's father's Community certificate genuineness order passed



by the first respondent on 03.03.2020 in his proceedings No.3050/CV-III/2015-6.

3.Earlier, the petitioner's sister had approached this Court and filed a writ petition in W.P.(MD) No.15830 of 2021 for an identical relief and the said writ petition was disposed of on 19.04.2021. Subsequently, a Review Application was filed and the Review Application (MD) No.29 of 2021 was allowed, by order, dated 14.06.2021. The said order read as follows :

"3.The learned counsel for the petitioner pointed out that this Court, while disposing of the writ petition by order, dated 19.04.2021, directed the authorities including the Director of Tribal Welfare to place necessary report and thereafter, the first respondent-State Level Scrutiny Committee was directed to proceed to consider and issue genuineness certificate to the petitioner.

4.It is submitted that in the light of the order passed by the State Level Scrutiny Committee, dated 03.03.2020, wherein, the genuineness of the petitioner's father's Community certificate was verified and found to be genuine. The necessity to conduct fresh enquiry may not arise. Therefore, it is prayed that the order passed in the writ petition may be reviewed and the direction may be suitably modified.

5.We have heard Mr.R.Baskaran, learned Standing Counsel for Government appearing for the respondents, on the said submissions.

6.On a perusal of the orders passed by the first respondent, dated 03.03.2020, there is a specific observation made by the Revenue Divisional Officer, Usilampatti, who had conducted a spot enquiry vide proceedings, dated 13.06.2016, while confirming the genuineness of the Community Certificate of the petitioner's father, has also made an observation that the statement of the local people and the Village Administrative Officer is also applicable to the petitioner herein and her brother V.Sivasankar, as they belong to Hindu Kammara Community. The said observation is found in paragraph No.4 of the said order, which is quoted herein below :

"4.The District Collector, Madurai has sent the issuance records relating to the Scheduled Tribe Kammara Community Certificate of the individual Thiru.V.Venkateswaran, S/o.Thiru.S.Velusamy was received 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 vide Lr.No.2523/2015/A1, dated 13.06.2016, has inferred that the confirmation that Thiru.V.Venkateswaran 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 VAO's statement, is also applicable to his children namely, V.Pavithrasangavi and V.Sivasankar that they belong to Hindu Kammara Community."

7.It is to be seen that the report submitted by the Revenue Administration at Madurai was taken note of, the report of the Deputy Superintendant of Police, Scheduled Castes / Scheduled Tribes, Vigilance Cell, Madurai Region, was referred to, the report of the Director of Tribal Welfare was also taken note of and after referring to all other records, the Tamil Nadu State Level Scrutiny Committee, held that the Community certificate issued to the petitioner's father Thiru.V.Venkateswaran is genuine. If that is the factual position, the benefit of such order should enure in favour of the petitioner.

8.Therefore, we are inclined to review the order passed in the writ petition and slightly modify the directions in paragraph No.5 of the impugned order as follows :

In the light of the above, we direct the first respondent to take note of the petitioner's representation, dated 03.06.2020 and after taking into consideration the proceedings No.3050/CV-III/2015-6, dated 03.03.2020, wherein, the Tamil Nadu State Level Scrutiny Committee found that the Community Certificate issued to the petitioner's father Thiru.V.Vekateswaran, was found to be genuine and after taking note of the said order, the first respondent is directed to proceed further, to issue genuineness certificate to the petitioner. This order shall be complied with, within a period of eight weeks from the date of receipt of a copy of this order.

9. Accordingly, the Review Application is allowed. No costs. "



4.The above direction will be squarely applicable to the petitioner herein, who is none other than the brother of V.Pavithra Sangavi, the petitioner in Review Application (MD) No.29 of 2021.

5.In the light of the same, we direct the first respondent to take note of the petitioner's representation, dated 13.07.2021 and after taking into consideration the proceedings No.3050/CV-III/2015-6, dated 03.03.2020, wherein, the Tamil Nadu State Level Scrutiny Committee found that the Community Certificate issued to the petitioner's father Thiru.V.Venkateswaran, was found to be genuine and after taking note of the said order, the first respondent is directed to proceed further and issue a genuineness certificate to the petitioner. This direction be complied with, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

+1 CC to M/s.M.SHEIK ABDULLAH, Advocate(SR-24087[F]dated 27/07/2021)

W.P. (MD) .No.12552 of 2021

26.07.2021

RK (04.08.2021) 4P 4C

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