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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2022

CORAM

THE HON'BLE MR.JUSTICE G.R. SWAMINATHAN
AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. No. 12109 of 2022

S. Akash

...Petitioner

Vs.

1. The State of Tamil Nadu, rep. by
Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Singaravelar Maligai,
Rajaji Salai,
Chennai 600 001.
3. The Revenue Divisional Officer,
Central Chennai Division,
Chennai - 600 101.
4. The Tahsildar,
Perambur Taluk,
Chennai - 600 011.

...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondent 3 to issue community certificate to the petitioner that he belongs to Kurumans community which has been recognized as a Scheduled Tribe.

For Petitioner :: Mr.S. Ayyathurai

For Respondents :: Mr.C. Jayaprakash
Govt. Advocate



O R D E R

(Order of the Court was made by G.R. SWAMINATHAN, J.)

The writ petition is filed for issue of a Writ of Mandamus directing the 3rd respondent to issue community certificate to the petitioner that he belongs to Kurumans Community, which has been recognized as a Scheduled Tribe.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. The petitioner's father, namely, M. Saravanan, is a construction worker. He is possessing a certificate certifying that he belongs to Kurumans community. In the typed set of papers, the certificate of the petitioner's grandmother has also been enclosed.

4. We perused the school records of the petitioner. The petitioner has been described as belonging to Hindu Kurumans community. The Hon'ble Supreme Court, in the decision reported in (2005) 12 SCC 248 (State of Bihar and Others V. Sumit Anand) had held that when parents and other close relatives of the respondent therein belonged to a particular community, the High Court was justified in coming to the conclusion that the respondent therein was also entitled to grant of certificate that he belongs to that particular community. The case on hand is also similar to the case cited supra.

5. It is also seen that the application for issuance of community certificate was made by the petitioner in the year 2015. Though the circulars mandate that the applications regarding issuance of Scheduled Tribe certificate should be disposed of within 30 days, in this case, there has been an inordinate delay. It is stated by the learned counsel for the petitioner that the petitioner has to write NEET examination shortly.

6. Considering the urgency of the matter, we direct the 3rd respondent to issue certificate in favour of the petitioner certifying that he belongs to Hindu Kurumans community within a period of two weeks from the date of receipt of a copy of this order. We have been led to issue this direction based on the records produced by the petitioner in the typed set of papers. We make it very clear that this direction will not come in the way of the respondents from conducting any verification exercise. If later, it turns out that the certificates enclosed in the typed set of papers pertaining to petitioner's father and grandmother are not genuine, it is always open to the respondents herein to cancel the certificate also.



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7. The writ petition is allowed with the aforesaid liberty to the respondents. No costs.

-s/d-
Assistant Registrar

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Sub-Assistant Registrar

nv/arr

To

1. The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Singaravelar Maligai,
Rajaji Salai,
Chennai 600 001.
3. The Revenue Divisional Officer,
Central Chennai Division,
Chennai - 600 101.
4. The Tahsildar,
Perambur Taluk,
Chennai - 600 011.

+1cc to Mr.S.Ayyathurai, Advocate, S.R.No.31461

+1cc to the Government Pleader, S.R.No.31511

W.P. No. 12109 of 2022

SSD(CO)
RN(27/05/2022)