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W.P.No.13836 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

**THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

W.P.No.13836/2022

V.Thilagawathi

... Petitioner

-VS-

1. The District Collector,
Dharmapuri District,
1st Floor, Main Building,
District Collectorate,
Dharmapuri-636 705.

2. The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Harur, Dharmapuri District,
Salem Bypass, Periyar Nagar,
Harur-636 903.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 1st respondent to afford an opportunity of personal hearing to the petitioner and consider and pass orders on the petitioner's appeal dated 28.05.2022 by issuing Scheduled Tribe Kurumans Community Certificate on the basis of the Scheduled Tribe Kurumans Community Certificate issued to the petitioner's own sister and other close blood relatives, within a time stipulated by this Court.



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For Petitioner : Ms.K.Nithyashree

For Respondents : Mr.V.Manoharan,
Government Advocate

ORDER

(Order of the Court was made by **T.RAJA, J.**)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the petitioner's appeal dated 28.05.2022 by issuing Scheduled Tribe Kurumans Community Certificate on the basis of the Scheduled Tribe Kurumans Community Certificate issued to her own sister, namely, Indumathi and other close blood relatives, after affording an opportunity of personal hearing to the petitioner, within a time frame stipulated by this Court.

2. Learned Counsel appearing for the petitioner would submit that when the petitioner herein and Ms.Indumathi are daughters of one K.Venkatesan, Ms.Indumathi, the own sister of the petitioner was issued with Scheduled Tribe Kurumans Community Certificate on 27.05.2009 vide Certificate No.272589. That apart, her close relatives such as, her cousins, namely, Mr.R.Veeramani and Mr.C.Baskar were also issued with the same Community Certificate.



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Besides, all of the petitioner's school records would show that she belongs to Scheduled Tribe Kurumans Community and the sale deeds in the name of her paternal aunts also show that they belong to Scheduled Tribe Kurumans Community. On the basis of the said documents, her sister was also issued with the same Community Certificate which holds good till date as the same has not been cancelled by any competent authority. Therefore, the request of the petitioner to issue the Scheduled Tribe Kurumans Community Certificate cannot be delayed or denied. But in the present case, the 2nd respondent herein has refused the prayer of the petitioner to issue the same Community Certificate on the ground that the petitioner's father's community certificate was not enclosed. When the petitioner's father is an illiterate person and he has not applied for any Community Certificate, as a result, she was not able to produce the same before the 2nd respondent. However, the petitioner's own sister Indumathi has obtained the same Community Certificate. Aggrieved over the rejection of her claim, the petitioner has filed an appeal dated 28.05.2022 before the 1st respondent and the same is pending consideration. Hence, a direction may be issued to dispose of the same within a time stipulated by this Court, she pleaded.



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3. Learned Government Advocate appearing for the respondents would submit that when the petitioner approaches the 2nd respondent herein, the Revenue Divisional Officer, he has rightly demanded the community certificate of her father and on the ground that she has not produced the same, she was not issued with the Scheduled Tribe Kurumans community certificate. However, the petitioner has preferred an appeal before the 1st respondent, therefore, a direction may be issued to dispose of the same, within a period of eight weeks.

4. Recording the said statement of the learned Government Advocate appearing for the respondents, we hereby direct the 1st respondent herein, namely, the District Collector, Dharmapuri, to dispose of the petitioner's appeal dated 28.05.2022 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order, after giving an opportunity of hearing to the petitioner.



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5. With the above observations and directions, the Writ
Petition is disposed of. No costs.

(T.R.J.,)

(K.B.J.,)

30.06.2022

tsi

To

1. The District Collector,
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1st Floor, Main Building,
District Collectorate,
Dharmapuri-636 705.
2. The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Harur, Dharmapuri District,
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T.RAJA,J.

**AND
K.KUMARESH BABU, J.
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