



WEB COPY



Order dated 16.09.2022
in W.P.No.24963 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.09.2022

Coram:

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.24963 of 2022

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T.Kottaiyan,
S/o Tharuman

.. Petitioner

Vs.

The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to implement the order passed by the State Level Scrutiny Committee in favour of the petitioner in Proceedings No.1631/CV-3/2015-7, dated 10.12.2021 and to issue Community Certificate to the children of the petitioner, viz., K.Bhuvaneswari and K.Tamilselvan that they belong to "Malakkuravan (ST) Community".

For petitioner : Mr.S.Doraisamy

For respondent : Mr.K.Karthik Jaganathan, Govt. Advocate

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ORDER

(The Order of the Court was made by T.Raja, J)

The petitioner has brought this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondent to implement the order passed by the State Level Scrutiny Committee in favour of the petitioner in Proceedings No.1631/CV-3/2015-7, dated 10.12.2021 and to issue Community Certificate to the children of the petitioner, viz., K.Bhuvaneswari and K.Tamilselvan that they belong to "Malakkuravan (ST) Community".

2. Learned counsel for the petitioner, taking support from the proceedings issued by the Tamil Nadu State Level Scrutiny Committee-III, Adi Dravidar and Tribal Welfare Department, Secretariat, Chennai, in No.1631/CV-6/2015-7, dated 10.12.2021, stated that when the Deputy Superintendent of Police, Social Justice and Human Rights Wing and Scheduled Castes/Scheduled Tribes Vigilance Cell, Villupuram District, after through enquiry, sent the enquiry report to the Government, stating that based on the records, deposition of the witnesses, the petitioner's children, namely Selvi K.Bhuvaneswari and Selvan K.Tamilselvan belong to Hindu Malakkuravan Scheduled Tribe Community. The petitioner was also called upon to appear before the State Level Scrutiny Committee-III for enquiry on 19.07.2021 and accordingly, the petitioner appeared before the



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Committee on the said date, and also made detailed deposition by producing the original documents in support of his claim that his children belong to Malakkuravan Community claim. Based on the same, the State Level Scrutiny Committee has instructed the respondent-Revenue Divisional Officer, Kallakurichi, to issue Community Certificate to the children of the petitioner, certifying them as belonging to Hindu Malakkuravan Scheduled Tribe community.

3. In the said proceedings, dated 10.12.2021, although the Anthropologist has taken a different view that the claim of the petitioner is not genuine, the Committee refused to accept the same for the reasons recorded by the said Committee, which has conducted a thorough enquiry and came to the conclusion that the claim of the children of the petitioner that he belongs to the Hindu Malakkuravan Scheduled Tribe Community is correct. Therefore, when the State Level Scrutiny Committee-III, after through enquiry, has issued the above said proceedings, dated 10.12.2021, nine months ago, the respondent-RDO cannot hesitate to issue Community Certificate to the children of the petitioner or sit over the matter. The petitioner, although has obtained positive order from the State Level Scrutiny Committee-III, proving his claim that he belongs to Hindu Malakkuravan Scheduled Tribe Community, has approached this Court for implementation of the said proceedings of the State Level Scrutiny Committee-III and had the respondent issued the Community Certificate as instructed by the



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Committee by proceedings dated 10.12.2021, the petitioner could have avoided coming before this Court for a Mandamus to direct the respondent to issue the Community Certificate for the children of the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that although there is delay from the date of the issuance of the instructions of the said Committee on 10.12.2021, which ought not to have occurred in this case, prayed for a week's time to issue the Community Certificate to the children of the petitioner, certifying that they belong to Hindu Malakkuravan Community.

5. Recording the above submission of the learned Government Advocate, the Writ Petition stands allowed. The respondent-Revenue Divisional Officer is directed to issue Community Certificate to the petitioner's children, namely K.Bhuvaneswari and K.Tamilselvan, within a period of one week from the date of receipt of a copy of this order. There shall be no order as to costs.

(T.R., J) (P.D.A., J)
16.09.2022

Speaking Order: Yes/no
CS



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To
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T.RAJA, J

and

P.D.AUDIKESSAVALU, J

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