



WEB COPY



W.P.No.28479 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.28479 of 2022

S.Mahendran

...Petitioner

Vs.

The Sub-Collector,
Mettur, Salem District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records in the online order (Application Number: TN-5202208082049 dated 08.08.2022) and the online order (Application Number: TN-5202208082540 dated 08.08.2022) passed by the respondent and quashing the same, and directing the respondent to issue Kurumans Scheduled Tribale Community certificates to the petitioner's children viz. M.Suganya and M.Varun Gandhi.

For Petitioner : Mr.M.Radhakrishnan

For Respondents : Mr.S.Silambannan

Additional Advocate General assisted by

Mrs.C.Sangamithirai

Special Government Pleader



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ORDER

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

This Writ Petition has filed against the rejection of the request of the petitioner for grant of community certificate, certifying that his children belong to Kurumans, a Scheduled Tribe community.

2.The rejection is that of an online application and the reason for rejection is that the authorities are unable to verify the correctness of the certificates of the petitioner and his father, since no records are available in the Office. We are unable to appreciate the reason assigned by the authority. No doubt, the petitioner has a right of appeal before the District Collector in terms of G.O.Ms.No.147.

3.In view of the fact that the authority has chosen to reject the application on a *ex-facie* illegal ground, we do not propose to direct the petitioner to invoke the appeal remedy. This Court has repeatedly pointed out that once certificates of very close relatives like parents or brothers are produced, the issuing authority must follow the same and cannot reject the application for flimsy reasons.



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4.In view of the same, the orders impugned in the Writ Petition are set aside with a direction to the Sub-Collector, Mettur to issue certificates to the children of the petitioner, in view of the fact that the petitioner and his father have already been favoured with such certificates. Such certificate shall be issued within a period of six weeks from the date of receipt of a copy of this order.

5.This Writ Petition is disposed of with the above directions. No costs.

(R.S.M.,J.) (K.B.,J.)
18.11.2022

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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R.SUBRAMANIAN, J.
and
K.KUMARESH BABU, J.

KKN

To:-

The Sub-Collector,
Mettur, Salem District.

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