



WEB COPY



W.P.Nos.31641 & 31645 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM:

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

W.P.Nos.31641 & 31645 of 2022

K.Rajaram ...Petitioner in W.P.No.31641 of 2022

N.G.Jayanthi ...Petitioner in W.P.No.31645 of 2022

Vs.

The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

..Respondent in both WPs

Prayer in W.P.No.31641 of 2022: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the respondent to implement the order of the State Level Scrutiny Committee passed in favour of the petitioner in proceedings No.18810/CV-3(2)/2015-4 dated 03.01.2022 and to issue community certificate to the petitioner and his children viz. 1.R.Datchana and 2.R.Ragu that they belong to Kurumans (ST) Community.



W.P.Nos.31641 & 31645 of 2022

Prayer in W.P.No.31645 of 2022: Writ Petition filed under Article 226 of the

Constitution of India seeking issuance of Writ of Mandamus, directing the respondent to implement the order of the State Level Scrutiny Committee passed in favour of the petitioner in Proceedings No.19474/CV-3/2014-4 dated 04.01.2022 and to issue community certificate to the petitioner's children viz. 1.J.N.Pravin Khumaar and J.N.Vignesh Kumar that they belong to Kurumans (ST) community.

For Petitioner in both WPs : Mr.V.Elangovan

For Respondents in both WPs: Ms.C.Sangamithirai

Special Government Pleader

COMMON ORDER

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

Aggrieved by the action of the issuing authority, namely the Revenue Divisional Officer Dharmapuri in attempting to conduct an enquiry regarding the their communal status the petitioners are before this court. It is the admitted that, the claim of the petitioners was referred to the State Level Scrutiny Committee and the State Level Scrutiny Committee after conducting enquiry in accordance with the directions contained in G.O.Ms.No.106 dated



W.P.Nos.31641 & 31645 of 2022

15.10.2012 concluded that the claim of the petitioner is genuine.

WEB COPY

2.However, the respondent without issuing a certificate based on the report of the State Level Scrutiny Committee had launched further enquiry and has called upon the petitioners to produce documents in respect of their claim. This, in our opinion, wholly uncalled for. Once the State Level Scrutiny Committee concludes that the claim is genuine, the original authority namely, the Revenue Divisional Officer or the Sub-Collector, as the case may be, cannot launch a further enquiry and they are bound by the Committee's report.

3.This Court had on several occasions come down heavily on such practices adopted by the issuing authority namely, the Revenue Divisional Officer / Sub-Collector. In one such Writ Petition, the Revenue Divisional Officer was directed to be present in Court along with certificate. Despite such happenings, the issuing authorities are oblivious of the procedure and their powers. This calls for immediate action by the State to sensitize these Officers on their powers regarding issuance of community certificates.



W.P.Nos.31641 & 31645 of 2022

WEB COPY

4.These Writ Petitions will stand allowed with a direction to the respondent to issue community certificate to the petitioners and their children within a period of 10 days from the date of receipt of a copy of this order. Any delay will be viewed seriously. We make it clear that if we come across any such case in future, we will not spare costs.

5.These Writ Petitions are allowed with the above directions. No costs.

(R.S.M.,J.) (K.B.,J.)
25.11.2022

kkn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To:-

4/6



W.P.Nos.31641 & 31645 of 2022

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

R.SUBRAMANIAN, J.
and



WEB COPY



W.P.Nos.31641 & 31645 of 2022

K.KUMARESH BABU, J.

KKN

W.P.Nos.31641 & 31645 of 2022

25.11.2022