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W.P.No. 27346 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 27346 of 2023

B. Amirthalingam

..Petitioner

Vs.

1. The District Collector,
Cuddalore District Office,
Gundu Salai Road, Alpet,Manjakuppam,
Cuddalore-9

2. The Sub-Collector/ Revenue Divisional Officer,
Sub-Collector Office,
Lalkhan Street,
Chidambaram-608001

3. The Revenue Inspector,
Thiruvakkulam,
Chidambaram-608001

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent to issue an ST community certificate for to the petitioner and his 3 children in lines with the ST Kurumans Community certificate issued to his maternal uncle Shri.L.Sivalingam a retired employee of Southern Railway, within a period

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fixed by this Hon'ble Court based on his application dated 22.09.2022 and 31.12.2022.

For Petitioner : Mrs.S.Padmavathi

For Respondents : Mrs.Mythreye Chandru
Special Government Pleader

ORDER

(Order of the Court was made by J.Nisha Banu,J.)

This writ petition has been filed by the petitioner to direct the 2nd respondent to issue an ST community certificate for himself and his 3 children in lines with the ST Kurumans Community certificate issued to his maternal uncle Shri.L.Sivalingam who is a retired employee of Southern Railway based on his application dated 22.09.2022 and 31.12.2022.

2. It is averred in the writ petition that the petitioner is an mobile pani puri vendor permanently residing at Cuddalore District. He belongs to the Kurumans Community, which is classified as a Scheduled Tribe community. The claim of the petitioner is that his maternal uncle Shri.L.Sivalingam, a retired employee of Southern Railway was issued with Kurumans community certificate on 19.06.1973 issued by the Tirupattur



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Taluk, Tirupattur.

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3. According to the learned counsel for the petitioner, the petitioner had applied for Community Certificate for him and for his three school going children namely Jagan, Sasidharan and Meenaloshani, for their educational purpose, before the 2nd respondent on 05.03.2018 and no further action has been taken till date. The petitioner and his children were unable to get any benefits offered by the Government, the petitioner was constrained to send reminder communications on 22.09.2022, 31.12.2022 reiterating his request as per the application dated 05.03.2018. Even after a lapse of 5 years, no action was taken by the respondents. Aggrieved the same, the present writ petition.

4. Learned counsel for the petitioner submitted that the petitioner's maternal uncle was issued with " Kurumans (ST)" Community Certificate and his Southern Railway Service Certificate also shows that he belongs to Kurumans (ST) Community Certificate. Moreover, the Kurumans Association had certified that the petitioner belongs to Kurumans (ST)



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Community. By following the said certificates, the respondents ought to have issued community certificate to the petitioner and his children.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. We have been repeatedly observing that a community comprises the members of the family and also members of the same group or tribe or caste and that the children derive their community from their parents and members of the family. If they have been given community certificate, their children, are entitled to the said certificate without any further verification.

7. In the present case, the petitioner's maternal uncle was issued with the community certificate that he belongs to Scheduled Tribe Community of Kurumans issued by the Tirupattur Taluk, Tirupattur on 19.06.1973, after due verification and enquiry. Therefore, the authorities cannot take a different view and reject the petitioner's application for him and his children. The



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authorities are only required to examine their relationship and issue community certificate.

8. Admittedly, the Kurumans community association has also given certificate to the petitioner that he belongs to Kurumans (ST) Community and the Southern Railway service certificate of petitioner's maternal uncle also reveals that he belongs to the said community.

9. In view of the above, there is no hurdle for the respondents in issuing community certificate as sought for by the petitioner to him and his children. Accordingly, we direct the 2nd respondent/ Sub-Collector/ Revenue Divisional Officer, Chidambaram to issue "Kurumans (ST)" Community Certificate to the petitioner and his three children viz., Jagan, Sasidharan and Meenaloshani, based on the application and representations made by the petitioner, within a period of four(4) weeks from the date of receipt of a copy of this order.



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10. With the above direction, this writ petition is allowed on the above terms. No costs.

(J.N.B.,J.) (N.M.,J.)

06.12.2023

Index : Yes / No
Speaking Order : Yes/No
Internet:Yes/No
Neutral Citation: Yes/No
msv

To

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and
N.Mala,J.

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