



W.P.No.28156 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.28156 of 2023
and W.M.P.Nos.27678 & 27680 of 2023

1. T.K.Kariyappan
S/o Krishnan
2. K.Chinnasamy,
S/o Krishnan
3. K.Kasilingam,
S/o Krishnan
4. Minor C.Praveenkumar,
Rep. By his Father and Natural Guardian,
K.Chinnasamy.
5. Minor C.Janani,
rep. By her Father and Natural Guardian,
K.Chinnasamy
6. Minor.K.Kaniamudhan,
rep. By his father and Natural Guardian,
K.Kasilingam
7. Minor K.Gnanavarshan,
rep. By his father and Natural Guardian,
K.Kasilingam.

.... Petitioners



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VS

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The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the online rejection order in Application Numbers in TN-5202212021`960 (K.Chinnasamy), TN-5202212022449 (K.Kasilingam), TN 5202212022203 (C.Praveenkumar), TN-5202212022128 (C.Janani), TN-5202212022627 (K.Kaniamudhan) and TN-5202212022793 (K.Gnanavarshan) dated NIL quash the same and direct the respondent to issue community certificate to the petitioners 2 to 7 that they belong to Kurumans (ST) Community based upon the community certificate of the 1st petitioner and his son K.Kirubanandhan which was issued as per the direction of this Court in W.P.No.23397 of 2019 dated 19.10.2022.

For Petitioners : Mr.V.Elangovan

For Respondent : Mr.E.Vijayanand,
Additional Government Pleader

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed challenging the online rejection order in Application Numbers in TN-5202212021`960 (K.Chinnasamy), TN-5202212022449 (K.Kasilingam), TN 5202212022203 (C.Praveenkumar), TN-



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5202212022128 (C.Janani), TN-5202212022627 (K.Kaniamudhan) and TN-5202212022793 (K.Gnanavarshan) dated NIL and direct the respondent to issue community certificate to the petitioners 2 to 7 that they belong to Kurumans (ST) Community based upon the community certificate of the 1st petitioner and his son K.Kirubanandhan which was issued as per the direction of this Court in W.P.No.23397 of 2019 dated 19.10.2022.

2. The case of the petitioners is that the 2nd and 3rd petitioners are the own brothers of the 1st petitioner. The 4th and 5th petitioners are the children of the 2nd petitioner and the 6th and 7th petitioners are the children of the 3rd petitioner. They belong to 'Kurumans Community' which is classified as Scheduled Tribe Community. The 1st petitioner preferred an application to the respondent on 23.06.2014 for issuance of community certificate to himself and his children based on the State Committee report of close relatives K.Devi and S.Kaviyarasan. Since no order was passed, W.P.No.27155 of 2015 was filed to consider the representation of the petitioners in the light of the State Committee report of close relatives. On 28.11.2015, the application was rejected holding that they do not belong to kurumans community. Against which, 1st petitioner filed W.P.No.18360 of 2016 and an order was passed on 18.07.2016 setting aside the rejection order passed by the respondent and



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directing the State Level Scrutiny Committee to enquire his social status.

Thereafter, the State Committee referred the matter to Vigilance Cell, Dharmapuri as well as to the Anthropologist. They conducted local enquiry and found that his claim is genuine and that he belongs to “Kurumans (ST)” community. The Vigilance Cell has also obtained a report from the anthropologist who had given a report that they belongs to Kurumans (ST) community. However, the State Committee without following the guidelines issued by the Hon'ble Supreme Court in ***Kumari Madhuri Patil case*** reported in ***AIR 1995 SC 94*** and ***Dayaram case*** reported in ***2011 (6) CTC 192***, rejected the claim of the petitioners therein. As against which, the 1st petitioner herein and his son K.Kirubanandhan filed a writ petition in W.P.No.23397 of 2019 and this Court passed an order on 19.10.2022, in which, the operative portion of the order reads as follows:

8. We are therefore, constrained to interfere and set aside the order of the State Level Scrutiny Committee. We have already adverted to the fact that both the District Level Vigilance Committee and the Anthropologist have affirmed the community of the petitioners as “Kurumans”. Hence, this Writ Petition is allowed, the order of the State Level Scrutiny Committee will stand set aside. There will be a direction to the Revenue Divisional Officer, Dharmapuri namely, the 3rd



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respondent to issue community certificate to the petitioners to the effect that they belong to “Kurumans”, a Scheduled Tribe. The certificate shall be issued within a period of four weeks from the date of receipt of a copy of this order.

Since the above order has not been complied with, the 1st petitioner herein and his son Kirubanandhan filed contempt petition in Cont.P.No.2494 of 2022 and the same was admitted and statutory notice was issued to the respondent. Only thereafter, the respondent issued community certificate to the 1st petitioner herein and his son Kirubanandhan that they belong to Kurumans (ST) community. As the applications submitted by the petitioners 2 to 7 through online on 2.12.2022 for issuance of community certificate were rejected, the present writ petition has been filed claiming issuance of community certificate based on the certificate issued to the blood relative/1st petitioner.

3. We have heard the learned counsel for the petitioner and the learned counsels appearing for the respondents.

4. Learned counsel for the petitioners would state that the respondent has not taken into consideration, the community certificate issued to the 1st petitioner and the order passed by this Court in W.P.No.23397 of 2019 dated 19.10.2022. Learned counsel also relied on the order passed by the Division Bench of this Court in ***W.P.No.19251 of 2015 (D.Ruthiran v. The Revenue***



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Divisional Officer, Dharmapuri) wherein it was held that a community comprises of the members of the family and also members of the same group or tribe, caste, the children derive their community from their parents. If the parents were granted community certificate, without any further verification, their children are entitled to the said certificate. Learned counsel also relied on the decision of the Hon'ble Supreme Court reported in **2005(12) SCC 248 (State of Bihar Vs. Sumit Anand)** wherein it has been held that if the family members possess valid community certificate, it should be followed while granting community certificate to others in their family.

5. Admittedly, the family tree issued by the Tahsildar, Dharmapuri dated 20.04.2015 at page No.33 of the typed set filed by the petitioners shows that the 1st, 2nd and 3rd petitioners herein are brothers. Therefore, considering the submission made by the learned counsel for the petitioners and in the light of the categorical pronouncements of the Hon'ble Supreme Court as well as the Division Bench of this Court stated supra, we are inclined to allow this writ petition.

6. Accordingly, the Writ Petition is allowed. The online rejection order in Application Numbers in TN-5202212021960 (K.Chinnasamy), TN-5202212022449 (K.Kasilingam), TN 5202212022203 (C.Praveenkumar), TN-



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5202212022128 (C.Janani), TN-5202212022627 (K.Kaniamudhan) and TN-5202212022793 (K.Gnanavarshan) dated Nil are hereby set aside and the respondent is directed to issue community certificate to the petitioners 2 to 7 that they belong to Kurumans (ST) Community based upon the community certificate of the 1st petitioner which was issued as per the direction of this Court in W.P.No.23397 of 2019 dated 19.10.2022. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B., J.) (N.M., J.)
25.09.2023

vsi

Index : Yes / No

Internet : Yes / No

Neutral citation : Yes / No

To
The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.



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J. NISHA BANU, J.
and
N.MALA, J.

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