



W.P.No.28157 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.28157 of 2023
and W.M.P.No.27679 of 2023

J.M.Suresh Kumar

.... Petitioner

vs

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 Ceritorarified Mandamus to call for the records relating to the online rejection order in Application Number in TN-5202308151346 (M.Suresh Kumar), TN5202308151678 (S.Pranaov) and TN-5202308151307 (S.Tanujkumar) dated NIL quash the same and direct the respondent to issue community certificate to the petitioner and his children S.Pranaov and S.Tanujkumar that they belong to Kurumans (ST) Community based upon the community certificate of the petitioner's mother's own brother M.Mathuraja and his children namely M.Mothiswaran and M.Arul Prasad and mother's own brothers son namely D.Jaiganesh.



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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 Application Number in TN-5202308151346 (M.Suresh Kumar), TN5202308151678 (S.Pranaov) and TN-5202308151307 (S.Tanujkumar) dated Nil and direct the respondent to issue community certificate to the petitioner and his children S.Pranaov and S.Tanujkumar that they belong to Kurichchan (ST) Community based upon the community certificate of the petitioner's mother's own brother M.Mathuraja and his children namely M.Mothiswaran and M.Arul Prasad and mother's own brother's son namely D.Jaiganesh.

2. The case of the petitioner is that he belongs to 'Kurichchan community' which is classified as Scheduled Tribe community. The petitioners mother's own brother M.Mathuraju obtained community certificate from the Deputy Tahsildar Pennagaram on 06.08.1977 and his children namely M.Mothiswaran and M.Arul Prasad obtained community certificate



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from the respondent on 26.05.1997 that they belong to Kurichchan (ST) community. The petitioner mother's another brother's son D.Jaiganesh also obtained community certificate from the respondent on 19.07.1996. As the petitioner's family members obtained community certificate from the respondent, the petitioner and his children are also entitled to get Kurichchan (ST) community certificate. Hence, the present writ petition has been filed claiming issuance of ST community certificate to the petitioner and his children based on the certificate issued to the petitioner's mother's own brother M.Mathuraju and his children namely M.Mothiswaran and M.Arul Prasad and mother's own brother's son namely D.Jaiganesh.

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

4. Learned counsel for the petitioner would state that the respondent has not taken into consideration, the Kurichchan (ST) community certificate issued to the petitioner's mother's own brother M.Mathuraju and his children namely M.Mothiswaran and M.Arul Prasad and mother's own brother's son namely D.Jaiganesh. Learned counsel also relied on the order passed by the



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Division Bench of this Court in ***W.P.No.19251 of 2015 (D.Ruthiran v. The Revenue 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 16.06.2023 at page No.21 of the typed set filed by the petitioner shows that the petitioner's mother's own brother is M.Mathuraju. Therefore, considering the submission made by the learned counsel for the petitioner 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.



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6. Accordingly, the Writ Petition is allowed. The online rejection orders in Application Nos.TN-5202308151346 (M.Suresh Kumar), TN5202308151678 (S.Pranaov) and TN-5202308151307 (S.Tanujkumar) are hereby set aside and the respondent is directed to issue community certificate to the petitioner and his children S.Pranaov and S.Tanujkumar that they belong to Kurichchan (ST) Community, based upon the community certificate of the petitioner's mother's own brother M.Mathuraju and petitioner's mother's own brother's son viz., D.Jaiganesh. No costs. Consequently, connected miscellaneous petition is 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,
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J. NISHA BANU, J.
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