



W.P.No. 35038 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

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

W.P.No. 35038 of 2023

D. Jaganathan

..Petitioner

Vs.

The Revenue Divisional Officer,
Arakkonam,
Ranipet District

..Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records relating to the order of rejection passed in Na.Ka.B1/120/2021 dated 18.11.2023 on the file of the respondent and quash the same and direct the respondent to issue community certificate to the petitioner and his children viz. 1) J.Surya and 2) J.Bovanesh that they belong to Kurumans (ST) Community based upon the community certificate of the petitioner's father's own brother karibeeran and his children namely K.Naresh and K.Ganesh.

For Petitioner : Mr.S.Doraiswamy
For Respondent : Mr.S.Balamurugan
Government Advocate
ORDER

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

This Writ Petition has been filed challenging the order of rejection passed in Na.Ka.B1/120/2021 dated 18.11.2023 on the file of the respondent and consequently, direct the respondent to issue community certificate to the petitioner and his children viz. 1) J.Surya and 2) J.Bovanesh that they belong to Kurumans (ST) Community based upon the community certificate of the petitioner's father's own brother karibeeran and his children namely K.Naresh and K.Ganesh.

2. The case of the petitioner is that he belongs to Kurumans Community, which is classified as Scheduled Tribe (ST) Community and he did not obtain any community certificate. His father's own brother Kodiappan obtained community certificate from the Tahsildar, Tirupattur in the year and another relative one Karibeeran also obtained community certificate from the Tahsildar, Tirupattur on 16.07.1977 and his children also obtained community certificate from the Sub Collector, Tondiarpet on 12.09.2017. On 18.08.2022, the petitioner preferred an application to the respondent through online, requesting to issue Kurumans (ST) community certificate to him and



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his children viz., 1) J.Suriya and 2) J.Bovenesh. Thereafter, the Village Administrative Officer, Revenue Inspector, Deputy Tahsildar and Tahsildar conducted enquiry and made recommendation to the respondent that they belong to Kurumans (ST) community and are eligible to get Kurumans (ST) community certificate. However, the respondent referred the matter to Revenue Divisional Officer, Tirupattur District, on 21.09.2022 for verification. After receipt of the report of the Revenue Divisional Officer, Tirupattur, the respondent is bound to issue community certificate to the petitioner and his children, but the same has not been considered till date.

3. Since no order was passed by the respondent, the petitioner filed a writ petition in W.P.No.7856 of 2023 for a direction to the respondent to consider the online application of the petitioner dated 18.08.2022 and issue community certificate to the petitioner and his children that they belong to Kurumans (ST) Community based on the recommendation of the Tahsildar, Arakkonam dated 02.09.2022. This Hon'ble Court after hearing both sides passed an order on 15.03.2023, directing the respondent to consider the online application of the petitioner dated 18.08.2022 and pass orders on



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merits, within a period of eight weeks. Since the above order was not complied, the petitioner filed contempt petition in Cont.P.No.2506 of 2023.

Pending Contempt petition, the respondent passed an order dated 18.11.2023, rejecting the claim of the petitioner. Thereafter, this Court vide order dated 01.12.2023, closed the contempt petition and liberty was granted to challenge the said rejection order dated 18.11.2023. Against which, the petitioner had filed the present writ petition.

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

5. Learned counsel for the petitioner would state that the respondent has not taken into consideration, the Kurumans (ST) community certificate issued to the petitioner's father's own brother Kodiappan and another relative one Karibeeran and his children. 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 Divisional Officer, Dharmapuri) wherein it was held that a community comprises of the members of the family and also



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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.

6. Admittedly, the family tree issued by the Tahsildar, Arakkonam dated 27.08.2022 at page No.25 of the typed set filed by the petitioner shows that the petitioner's father's own brother is Kodiappan. 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.

7. Accordingly, the Writ Petition is allowed. The rejection order



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passed in Na.Ka.B1/120/2021 dated 18.11.2023 on the file of the respondent

is hereby set aside and the respondent is directed to issue community certificate to the petitioner and his children viz. 1) J.Surya and 2) J.Bovanesh that they belong to Kurumans (ST) Community based upon the community certificate of the petitioner's father's own brother Karibeeran and his children namely K.Naresh and K.Ganesh within a period of four(4) weeks from the date of receipt of a copy of this order. No costs.

(J.N.B.,J.) (N.M.,J.)
21.12.2023

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

To
The Revenue Divisional Officer,
Arakkonam,
Ranipet District

J.NISHA BANU,J.

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And
N.Mala,J.

msv

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