



WEB COPY



W.P.No.17351 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.17351 of 2024

Narasimhaswamy @ Narasimmamoorthy
S/o Anumanarasappa .. Petitioner

v.

The Revenue Divisional Officer
Hosur, Krishnagiri District .. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the online rejection order in Application Number in TN-5202405171710 dated NIL quash the same and direct the respondent to issue community certificate to the petitioner and his children namely Lakshmi Narasimha and Laleth Madavan that they belong to Kurichchan (ST) Community based upon the community certificate already issued to the petitioner's mother's own brother M.Nagesh, which was verified by the State Level Scrutiny Committee in Proceedings No.4293/CVIII/2014 dated 06.03.2015.



W.P.No.17351 of 2024

For Petitioner :: Mr.S.Doraisamy
For Respondent :: Mr.M.R.Gokulkrishnan
Additional Government Pleader

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ petition is filed challenging the impugned order rejecting the petitioner's online application for issuance of community certificate and to quash the same by directing the respondent to issue community certificate to the petitioner and his children, namely, Lakshmi Narasimha and Laleth Madavan showing that they belong to Kurichchan (ST) Community based upon the community certificate already issued to the petitioner's mother's own brother Nagesh, which was verified by the State Level Scrutiny Committee in Proceedings No.4293/CVIII/2014 dated 06.03.2015.

2. The case of the petitioner is that he belongs to Kurichchan community, which is notified as a Scheduled Tribe. The petitioner has come forward with a case that the community certificate issued to his blood relative was the subject matter of verification by the State Level Scrutiny



W.P.No.17351 of 2024

Committee and that despite an order is passed in favour of his blood relative that he belongs to Kurichchan (ST) community, the application submitted by the petitioner for issuance of community certificate has been rejected without assigning any reason or by not considering the documents produced by the petitioner.

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

4. This Court in similar cases have already issued directions to the competent authority to consider the application by adopting the manual mode, which requires holding of enquiry. Recently this Court in W.P.Nos.35555 of 2023 etc. dated 07.02.2024 (R.Devisri etc., etc., v. The Revenue Divisional Officer, Dharmapuri), while considering a similar issue, relying upon the order dated 12.09.2023 passed in W.P.No.26186 of 2023 (Rajagopal v. State) highlighting the procedure that was prescribed for issuance of SC/ST certificates and the obligation on the part of the competent authority to pass a speaking order after holding enquiry, quashed



W.P.No.17351 of 2024

the orders impugned therein. In the case on hand, when the community status of petitioner's blood relative is verified/scrutinized by the State Level Scrutiny Committee that he belongs to Kurichchan (ST) community, the same is binding on the respondent and therefore the rejection of petitioner's online application cannot be sustained. Therefore, the impugned order is set aside and the matter is remitted to the respondent to consider the application of the petitioner afresh after affording adequate opportunity to the petitioner to substantiate his case regarding the community status of his blood relative, which was the subject matter of verification by the State Level Scrutiny Committee vide proceedings dated 06.03.2015, and by considering the documents that are filed in support of his application. The respondent shall pass a speaking order after holding enquiry and giving opportunity to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition stands allowed with the above directions. Consequently, W.M.P.No.19123 of 2024 is closed. No costs.

Index : yes/no
Neutral citation : yes/no
ss

(S.S.S.R.,J.) (N.S.,J.)
01.07.2024

To



W.P.No.17351 of 2024

1. The Revenue Divisional Officer
Hosur, Krishnagiri District



WEB COPY



W.P.No.17351 of 2024

S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

W.P.No.17351 of 2024

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