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W.P.No.34017 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

CORAM:

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

W.P.No.34017 of 2023

R.Kalpana .. Petitioner

-VS-

1. The District Collector
Dharmapuri

2. The Revenue Divisional Officer
Dharmapuri

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in the order bearing Na.Ka.No.317/2021/A2 dated 22.09.2023 passed by respondent no.1 and quashing the same and directing the respondents to issue Kurumans Scheduled Tribe Community Certificates to the petitioner, her husband Mr.V.Perumal and her children Raghul and Shalini within a reasonable time as may be fixed by the Hon'ble Court.

For Petitioner :: Mr.M.Radhakrishnan

For Respondents :: Mr.R.Vigneshwaran
Government Advocate



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ORDER

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

The petitioner states that she belongs to 'Kurumans' – Scheduled Tribe community. Earlier she filed a writ petition in W.P.No.6652 of 2019 for issuance of a mandamus to direct the second respondent therein to issue the community certificate to the effect that the petitioner belongs to 'Kurumans' – Scheduled Tribe community. It is admitted that the petitioner's application for issuing the community certificate that she belongs to 'Kurumans' – Scheduled Tribe community, was rejected by the second respondent by proceedings dated 27.07.2019. As against the order, the petitioner preferred an appeal before the District Collector. When the first respondent/appellate authority entertained the appeal, she called for a report with additional particulars in relation to the petitioner's claim that she belongs to 'Kurumans' – Scheduled Tribe community. The petitioner has challenged the proceeding of the District Collector, by which the District Collector has called for a report from the Revenue Divisional Officer/original authority with necessary details, for further enquiry, in this writ petition.



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2. The learned counsel appearing for the petitioner submitted that the first respondent ought to have directed the second respondent to issue 'Kurumans' – Scheduled Tribe community certificate to the petitioner, her husband and her children, by considering the petitioner's appeal, in the light of the Division Bench order dated 14.03.2019 passed in the writ petition in W.P.No.6652 of 2019 filed by the petitioner earlier.

3. We find that except the above ground, the petitioner's affidavit does not indicate any other ground. It is true that the petitioner earlier filed a writ petition in W.P.No.6652 of 2019 to direct the Revenue Divisional Officer, Dharmapuri to decide the application of the petitioner dated 17.08.2015 and to issue the 'Kurumans' – Scheduled Tribe community certificate. This Court, while disposing of the writ petition vide order dated 14.03.2019, made the following observation:-

“5. However, the only ground raised by the petitioner is that the Genealogy (Family Tree of the blood relatives)/Relationship Certificate of the petitioner was not properly considered by the first respondent, as her blood relatives were issued with the Community Certificate.



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Hence, learned counsel for the petitioner prayed that the first respondent-RDO may be directed to issue Community Certificate to the petitioner and her family members.

6. But this Court is not inclined to give any positive direction, since the grievance of the petitioner is that the Genealogy (Family Tree)/Relationship Certificate was not considered by the respondents. Accordingly, the first respondent shall consider the application of the petitioner, dated 17.08.2015 for issuance of Community Certificate to herself, her husband Mr.V.Perumal and their children Raghul and Shalini. The first respondent-RDO shall consider the abovesaid Genealogy (Family Tree)/Relationship Certificate of the petitioner and examine the relationship between the petitioner and her relatives and after affording an opportunity of hearing to the petitioner, pass appropriate orders on the said application, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner and also considering the enclosures made in the said application filed before the first respondent-RDO. It is made clear that this Court has not expressed any opinion on the merits of the



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claim of the petitioner and it is for the first respondent-RDO to analyse the same before passing orders on the said application. Ultimately, after complying with the above direction, if the Community Certificates are issued by the first respondent-RDO to the petitioner, her husband and their children, the same are subject to verification at a later point of time by the second respondent-State Level Scrutiny Committee.”

4. The direction of this Court can only be taken to the extent that the Revenue Divisional Officer, while hearing the application, was expected to consider the relationship between the petitioner and her relatives, as the petitioner had contended that her blood relatives were issued with community certificates. That cannot be a reason to entertain the present writ petition, where the order impugned is only the communication by which the District Collector/appellate authority had asked for additional details while considering or disposing the appeal filed by the petitioner as against the order of the Revenue Divisional Officer. This Court finds that the instant writ petition is wholly unnecessary and probably to drag the proceedings. Therefore, the writ petition is dismissed. However, this Court has not



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considered any issue on merits and it is open to the petitioner to produce relevant documents before the District Collector at the time of enquiry. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
27.03.2024

ss

To

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Dharmapuri
2. The Revenue Divisional Officer
Dharmapuri



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S.S.SUNDAR,J.
AND

N.SENTHILKUMAR,J.

SS

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