

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 6.4.2015.

CORAM

THE HON'BLE MR.JUSTICE V.DHANAPALAN
and
THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

W.P.No.20620 of 2011

M.R.Veeramuthu

Petitioner

vs.

1. The State of Tamil Nadu
rep by its Secretary to
Adi Dravida and Schedule
Tribes Welfare Department, Chennai - 9.
2. The Director,
rep. by its Secretary to
Adi Dravida and Schedule
Tribes Welfare Department, Chennai -5.
3. The Assistant Commissioner,
Revenue Administration,
Ezhilagam, Chennai-5.
4. The District Collector,
Thiruvallur District, Thiruvallur.
5. The Revenue Divisional Officer,
Ponneri.
6. The Union Government of India,
rep by Ministry of
Social Justice & Empowerment, New Delhi.
(R6 impleaded as per order dated
23.3.2015 in M.P.No.1 of 2011)

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider the recommendations of the District Collector, Thiruvallur in Na.Ka.No.19816/97/J3 dated 29.9.1997 and the recommendation dated 15.10.1998 by the Ministry of Social Justice and Empowerment, Government of India by including the Vettaikaran Community in the Scheduled Tribe list and issue the certificate to the petitioner.

For Petitioner : Ms.S.Vijayalakshmi

For R1 to R5 : Mr.K.Rajeswaran, Special Govt. Pleader
R6 : Mr.K.T.Raghavan, SCGSC.

ORDER

(Order of the court was made by V.DHANAPALAN, J.)

Heard Ms.Vijayalakshmi, learned counsel for the petitioner, Mr.K.Rajeswaran, the learned Special Government Pleader for respondents 1 to 5 and Mr.K.T.Raghavan for the impleaded sixth respondent.

2. The petitioner, an individual belonging to Kattunaicken community which is also called as Vettaikaran lives in Tiruvallur Taluk of Chingleput District, has filed this petition for direction to the respondents to consider the recommendations of the District Collector, Thiruvallur in Na.Ka.No.19816/97/J3 dated 29.9.1997 and the recommendation dated 15.10.1998 by the Ministry of Social Justice and Empowerment, Government of India by including the Vettaikaran Community in the Scheduled Tribe list and issue the certificate to the petitioner.

3. The claim of the petitioner for a direction to consider the recommendations as to the inclusion of a particular community in the Schedule Tribe list comes under the purview of the Constitution (Schedule Tribe) Order 1950 (amended upto date). Any inclusion of the community into the Schedule Tribe list is a policy decision of the Government concerned whether it is Central or State. In this case, the Union of India being the competent authority, has to act on the proposal and any recommendations.

4. In this regard, it has been pointed out that the Government of India, Ministry of Social Justice and Empowerment, on 15.10.1998, addressed a letter to the President of Tamil Nadu Irular Kattu Naicken SC/ST Welfare Association, Kittor Naicken Nagar Mittanamalli (via) Avadi, Chennai informing that with reference to the letter dated 28.7.1998 on the subject of issuance of caste certificate informing the Association President concerned that according to the Constitution (Scheduled Tribe) Order 1950 (amended upto date) Irular and Kattunayakan communities had been included in the list of ST at serial Nos.4 and 9 respectively and as regards the proposal of Vettakaran and Kattunaicken communities for inclusion in the ST list of Tamilnadu, the proposal alongwith other similar proposals received from various States/Union Territories is under consideration of the Union Government.

5. We have heard the learned counsel for the parties on the above said position.

6. This writ petition is of the year 2011 and the petitioner, who has claimed for issuance of community certificate, has filed this writ petition as if the Vettakaran community has to be included in the ST list and thereby he has to be given a certificate to that effect. Any inclusion to the list of Tribal Community is a policy matter of Union of India based on the census and other particulars as received from the State concerned. If that could be the position, the communication dated 15.10.1998 appears to be a matter pending before the Ministry concerned.

7. According to the learned counsel, the above said communication is not considered as on date. If that could be the position, we are of the opinion that this writ petition has to be disposed of with a direction to the sixth respondent to look into their letter of communication dated 15.10.1998 and act on it in accordance with law and on merits within a time frame. The sixth respondent shall decide whatever the position, within a period of eight weeks from the date of receipt of copy of this order. The writ petition stands disposed of.

ssk.

-s/d-

Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Govt
Adi Dravida and Schedule
Tribes Welfare Department, Chennai - 9
Tamil Nadu.
2. The Director,
rep. by its Secretary to
Adi Dravida and Schedule
Tribes Welfare Department, Chennai -5.
3. The Assistant Commissioner,
Revenue Administration,
Ezhilagam, Chennai-5.
4. The District Collector,
Thiruvallur District, Thiruvallur.
5. The Revenue Divisional Officer,
Ponneri.

6. The Union Government of India,
rep by Ministry of
Social Justice & Empowerment, New Delhi.

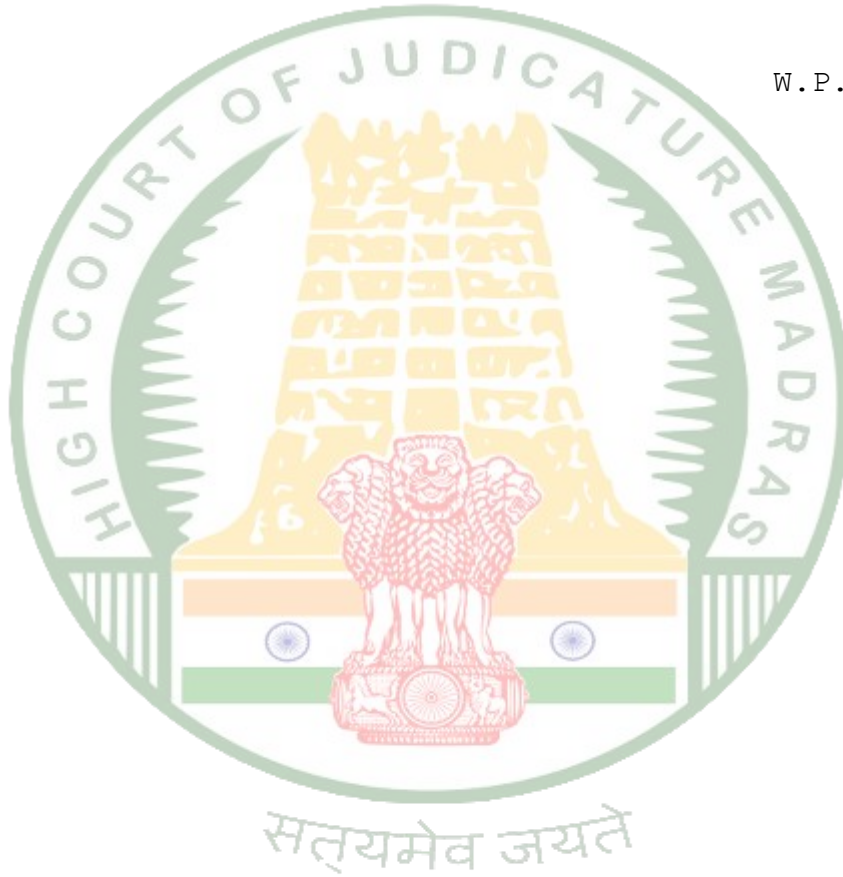
+ 1 cc to Mr.D.Rajagopal,Advocate SR 18882

+ 1 cc to Govt.Pleader SR 18995

+ 1 cc to Mr.K.T.Raghavan, Advocate SR 19294

vgi(co)
prk6/5

W.P.No.20620 of 2011



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