

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. Nos.16465 to 16468 of 2015

W.P. Nos.16639 to 16642 of 2015

and

connected Miscellaneous Petitions

1.G.Kaliyappan	...	Petitioner in WP No.16465/2015
2.R.Saravana Kumar	...	Petitioner in WP No.16466/2015
3.V.Muruganandam	...	Petitioner in WP No.16467/2015
	and	Petitioner in WP No.16468/2015
4.K.Yamuna	...	Petitioner in WP No.16639/2015
5.K.Sunitha	...	Petitioner in WP No.16640/2015
6.K.Surendran	...	Petitioner in WP No.16641/2015
7.K.Sangeetha	...	Petitioner in WP No.16642/2015

Vs.

1.	The Revenue Divisional Officer Tiruppattur Vellore District	
2.	The Director of Tribal Welfare Chennai 600 005	... Respondents in all the WPs

Prayer in WP No.16465 of 2015: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records in the order dated 25.05.2015 in Application ID: 2015/0204/04/012488 (online) passed by the first respondent and quashing the same and directing the first respondent to consider the petitioner's application dated 17.04.2015 for issuance of a community certificate to him on the basis of the Cultural Report on "Kurumans" sent by the second respondent vide his letter dated 18.02.2015 to the first respondent and decide the same in accordance with law.

Prayer in WP No.16466 of 2015: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandmus calling for the records in the order dated 25.5.2015 in Application ID : 2015/0204/ 04/016719 (Online) passed by respondent No.1 and quashing the same and directing respondent No.1 to consider the application of the petitioner dated 1.5.2015 for issuance of a community certificate to him on the basis of the Cultural Report on "Kurumans" sent by respondent No.2 vide his letter dated 18.2.2015 to respondent No.1 and decide the same in accordance with law.

Prayer in WP No.16467 of 2015: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandmus calling for the records in the order dated 26.5.2015 in Application ID : 2015/0204/ 04/020508 (Online) passed by respondent No.1 and quashing the same and directing respondent No.1 to consider the application of the petitioner dated 10.5.2015 for issuance of a community certificate to him on the basis of the Cultural Report on "Kurumans" sent by respondent No.2 vide his letter dated 18.2.2015 to respondent No.1 and decide the same in accordance with law.

Prayer in WP No.16468 of 2015: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandmus calling for the records in the order dated 26.5.2015 in Application ID : 2015/0204/ 04/020506 (Online) passed by respondent No.1 and quashing the same and directing respondent No.1 to consider the application of the petitioner dated 10.5.2015 for issuance of a community certificate to his son Goutham on the basis of the Cultural Report on "Kurumans" sent by respondent No.2 vide his letter dated 18.2.2015 to respondent No.1 and decide the same in accordance with law.

Prayer in WP No.16639 of 2015: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandmus calling for the records in the Order dated 28.01.2015 in Application ID: 2014/0204/ 04/016270 (online) passed by respondent No.1 and quashing the same and directing respondent No.1 to consider the application of the petitioner dated 14.10.2014 for issuance of the community certificate to him on the basis of the Cultural Report on "Kurumans" sent by respondent No.2 vide his letter dated 18.02.2015 to respondent No.1 and decide the same in accordance with law.

Prayer in WP No.16640 of 2015: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandmus calling for the records in the Order dated 28.01.2015 in

Application ID: 2014/0204/ 04/016268 (online) passed by respondent No.1 and quashing the same and directing respondent No.1 to consider the application of the petitioner dated 14.10.2014 for issuance of the community certificate to her on the basis of the Cultural Report on "Kurumans" sent by respondent No.2 vide his letter dated 18.02.2015 to respondent No.1 and decide the same in accordance with law.

Prayer in WP No.16641 of 2015: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandmus calling for the records in the Order dated 28.01.2015 in Application ID: 2014/0204/ 04/016266 (online) passed by respondent No.1 and quashing the same and directing respondent No.1 to consider the application of the petitioner dated 14.10.2014 for issuance of the community certificate to him on the basis of the Cultural Report on "Kurumans" sent by respondent No.2 vide his letter dated 18.02.2015 to respondent No.1 and decide the same in accordance with law.

Prayer in WP No.16642 of 2015: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandmus calling for the records in the Order dated 28.01.2015 in Application ID: 2014/0204/ 04/016265 (online) passed by respondent No.1 and quashing the same and directing respondent No.1 to consider the application of the petitioner dated 14.10.2014 for issuance of the community certificate to her on the basis of the Cultural Report on "Kurumans" sent by respondent No.2 vide his letter dated 18.02.2015 to respondent No.1 and decide the same in accordance with law.

For petitioner in : Mr. M. Radhakrishnan
all the WPs

For respondents : Mr. R. Rajeswaran
in all the WPs Special Government Pleader

COMMON ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

In view of commonality of issue involved in all these writ petitions, these writ petitions are being considered and decided by this common order. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal.

2. These writ petitions are filed challenging the online orders of the first respondent, whereby and whereunder, the petitioners' applications seeking certificate that they belong to Kurumans (ST) community, were rejected.

3. The prime contention in this batch of writ petitions is that the petitioners' applications seeking certificate that they belong to Kurumans (ST) community were not considered properly and the same were rejected without assigning any reason as is evident from the impugned online information and the petitioners have not been communicated any order.

4. The authorities exercising quasi-judicial functions are under an obligation to pass a reasoned order dealing with each and every document produced by the applicant, as the reasoning is the heartbeat of a conclusion.

5. Further, it is also worth mentioning that a Division Bench of this Court, by order dated 13.02.2014 passed in W.P. No.11977 of 2014, had indicated that the cultural report on Kurumans is required to be considered while the application of an applicant seeking issuance of community certificate is examined.

6. In such view of the matter, the impugned online orders are set aside and the matter is remitted back to the authority concerned to consider the matter afresh on holding proper enquiry and also taking into consideration, the relevant documents and materials, including the Cultural Report of Kurumans sent by the second respondent, vide communication dated 18.02.2015. It is well settled proposition of law that while considering an application for issuance of community/social status certificate, the certificate issued in favour of relatives have greater probative value. The competent authority is required to enquire into the anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies, etc. by the castes and tribes, particularly, in case of Scheduled Tribe. If, on enquiry, it is found that the parents of the applicant seeking social status/community certificate, have been granted such certificate and the same is not held as not genuine or doubtful, such certificate cannot be disregarded and that is a conclusive proof in case of children. Accordingly, the competent officer is directed to examine the issue carefully and pass a fresh reasoned order on merits and in accordance with law.

7. With the above direction, the writ petitions stand disposed of. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Revenue Divisional Officer
Tiruppattur
Vellore District
2. The Director of Tribal Welfare
Chennai 600 005

+20cc's to Mr.M.Radhakrishnan, Advocate, S.R.No.32440
+1cc to the Government Pleader, S.R.No.32996

W.P. Nos.16465 to 16468 of 2015
W.P. Nos.16639 to 16642 of 2015

BR(CO)
CA(15/07/2015)



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