

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.17013 and 17014 of 2015

M. Govindan
Kalaivani

...Petitioner in WP No.17013 of 2015
...Petitioner in WP No.17014 of 2015

Vs.

1. The Revenue Divisional Officer
Harur
Dharmapuri District
2. The Director of Tribal Welfare
Chennai 600 005 ... Respondents in both appeals

Prayer in WP Nos.17013 and 17014 of 2015:

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records in the orders bearing no.Pa.Mu.7729/2010(A1) and Pa.Mu.7728/2010(A1) dated 13.04.2015 respectively passed by the first respondent and quash the same and directing the first respondent to consider the community status of the petitioners for issuance of Kurumans Scheduled Tribe certificate 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.

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

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

COMMON ORDER

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

Assailing the legality of the orders dated 13.4.2015, whereunder the applications of the petitioners for grant of Kurumans Scheduled Tribe community certificate, were rejected, the petitioners have come up with these writ petitions.

2. The petitioners made applications, seeking for Kurumans Scheduled Tribe community certificate in the office of the first respondent. The first respondent recorded the information that in the school registers, the caste of students has been mentioned as Kurumbar. The entry was made prior to 1976 when Kurumans was included in the list of Scheduled Tribe. The parents knowing fully well that Kurumans is the Scheduled Tribe, they got Kurumbar community entered in the relevant school registers. It was further recorded that Kurumba community is known as Kurumba and Kurumba Kounder, falls within the MBC category. Kurumba and Kurumans are not one and the same.

3. The issue as to whether Kurumba, Kurumbar and Kurumba Kounder are Kurumans, came up for consideration before a Division Bench of this Court in W.P.Nos.25963 and 25964 of 2013 on 25.11.2013 (E.Mani and another Vs. The Revenue Divisional Officer, Tiruvannamalai), wherein the Director of Adi Dravidar and Tribal Welfare Department was directed to consider various reports and take the final decision on the issue.

4. It is stated that the second respondent had submitted the cultural report, dated 18.02.2015 on Kurumans, which was circulated to all Revenue Divisional Offices for the purpose of identifying Kurumans Scheduled Tribe and also for the issuance of community certificate accordingly. The petitioner seeks fresh consideration by the first respondent on the basis of the cultural report circulated under covering letter dated 18.02.2015.

5. On perusal of the impugned orders, it is noticed that the first respondent has not examined the cultural report while considering the applications of the petitioners and discarded the community certificate granted to the relatives. In that view of the matter, we are of the view that the impugned orders deserve to be set aside. Accordingly, the impugned orders dated 13.4.2015 are set aside with a direction to the first respondent to examine the application afresh in the light of the aforestated cultural report and also other

relevant documents produced by the petitioners and pass a fresh order on merits and in accordance with law.

6. With the above direction, both writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vvk

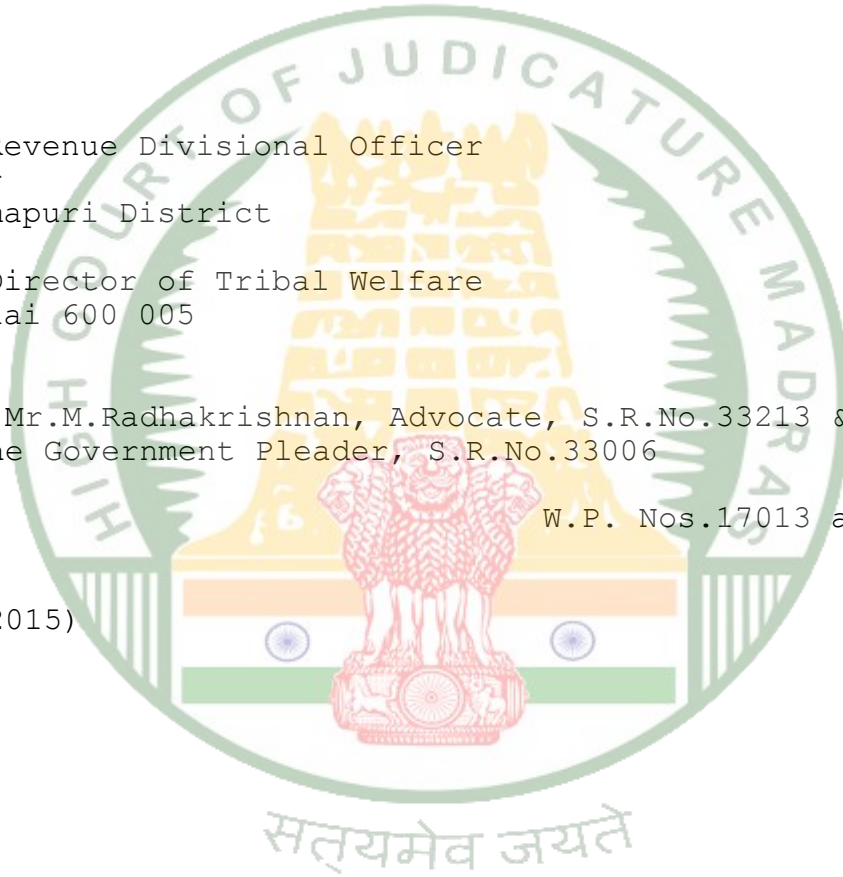
To

1. The Revenue Divisional Officer
Harur
Dharmapuri District
2. The Director of Tribal Welfare
Chennai 600 005

+2cc's to Mr.M.Radhakrishnan, Advocate, S.R.No.33213 & 33212
+1cc to the Government Pleader, S.R.No.33006

W.P. Nos.17013 and 17014 of 2015

SCD(CO)
CA(10/07/2015)



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