

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.Nos.20855 to 20857 of 2015

R.Jayarathinam ... Petitioner in W.P.No.20855 of 2015
D.Venkatesan ... Petitioner in W.P.No.20856 of 2015
G.Veerabathiran ... Petitioner in W.P.No.20857 of 2015

vs.

1. The Revenue Divisional Officer,
Tirupattur, Vellore District
2. The Director of Tribal Welfare,
Chennai - 600 005. ... Respondents in all W.Ps

Writ Petition in W.P.No.20855 of 2015 is filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the 1st respondent to decide the application of the petitioner made online (Application ID 2015/0204/04/039001) dated 20 June 2015 for issuance of ''Kurumans'' Scheduled Tribe 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 within a reasonable time.

Writ Petition in W.P.No.20856 of 2015 is filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the 1st respondent to decide the application of the petitioner made online (Application ID 2015/0204/04/038997) dated 20 June 2015 for issuance of ''Kurumans'' Scheduled Tribe 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 within a reasonable time.

Writ Petition in W.P.No.20857 of 2015 is filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the 1st respondent to decide the application of the petitioner made online (Application ID 2015/0204/04/038998) dated 20 June 2015 for issuance of ''Kurumans'' Scheduled Tribe 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 within a reasonable time.

For petitioner :Mr.M.Radhakrishnan
in all W.Ps

For Respondents :Mr. R.Rajeswaran, Special Govt. Pleader
in all W.Ps

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 The Government of Tamil Nadu has issued a Circular in Na.Ka.No.Va.Ni.5(3)/2958/2011 dated 21.01.2011 inter alia stating that in respect of the community certificates to be issued in respect of Scheduled Tribes, proper certificates are to be issued and a time limit of one week is granted in cases where enquiries are to be held and 15 days time is prescribed within which time, the certificates are to be issued. Therefore, the authorities are required to adhere to the time schedule as notified by the Government.

6 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.

7 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.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

+lcc to Mr.M.Radhakrishnan, Advocate, S.R.No.35209
+lcc to the Government Pleader, S.R.No.35303

BR(CO)
EU(27/07/2015)

W.P. Nos.20855 to 20857
of 2015