

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15/7/2015

C O R A M

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

W.P. No.21229 of 2015

C. Sivan

... Petitioner

Vs

1. The Revenue Divisional Officer
Tirupattur
Vellore District.

2. The Director of Tribal Welfare
Chennai 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent No.1 to decide the application of the petitioner made on-line (Application ID 2015/0204/04/038999) dated 20th June, 2015 for the issuance of "Kurumans" Scheduled Tribe Certificate to him, on the basis of the cultural report on "Kurumans" sent by respondent No.1 within a reasonable time.

For petitioner : Mr. M. Radhakrishnan
For respondents : Mr. R. Rajeswaran
Special Government Pleader

O R D E R

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

Mr.R.Rajeswaran, learned Special Government Pleader takes notice on behalf of the respondents. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. The petitioner, claiming to be a member of Kurumans (ST) community, seeks a direction to the first respondent to consider his community status, on the basis of the cultural report on Kurumans sent by the second respondent vide his letter dated 18th February, 2015 to the first respondent.

3. It is submitted by the learned counsel for the petitioner that the petitioner had made an on-line application for the issuance of a Community certificate. Despite the availability of cultural report with the first respondent, no enquiry was conducted by the first respondent. Hence, the instant writ petition for the afore-stated relief.

4. A Division Bench of this Court, by order dated 13th February, 2014 passed in W.P. No.11977 of 2012, 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.

5. Needless to state that the enquiry has to be conducted keeping in mind, the guidelines laid down by the Supreme Court in Kumari Madhuri Patil Vs. Additional Commissioner, Tribal Development & Others¹ in respect of anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies, etc., by the caste or tribe or tribal community concerned, particularly, in case of Scheduled Tribe. It is also pertinent to state that in Kumari Madhuri Patil (supra), the Supreme Court has fixed time schedule of six months for consideration and issuance of community certificate.

6. In the case on hand, concededly, the first respondent has not conducted any enquiry into the community status of the petitioner.

7. Such being the fact situation, the first respondent is directed to examine the entire issue at the earliest, keeping in mind, the decision of the Supreme Court in Kumari Madhuri Patil (supra) and the Cultural Report on Kurumans sent by the second respondent to the first respondent, vide his letter dated 18th February, 2015 and pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

8. The writ petition stands disposed of with the above direction. Costs made easy.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

¹ (1994) 6 SCC 241

mvs

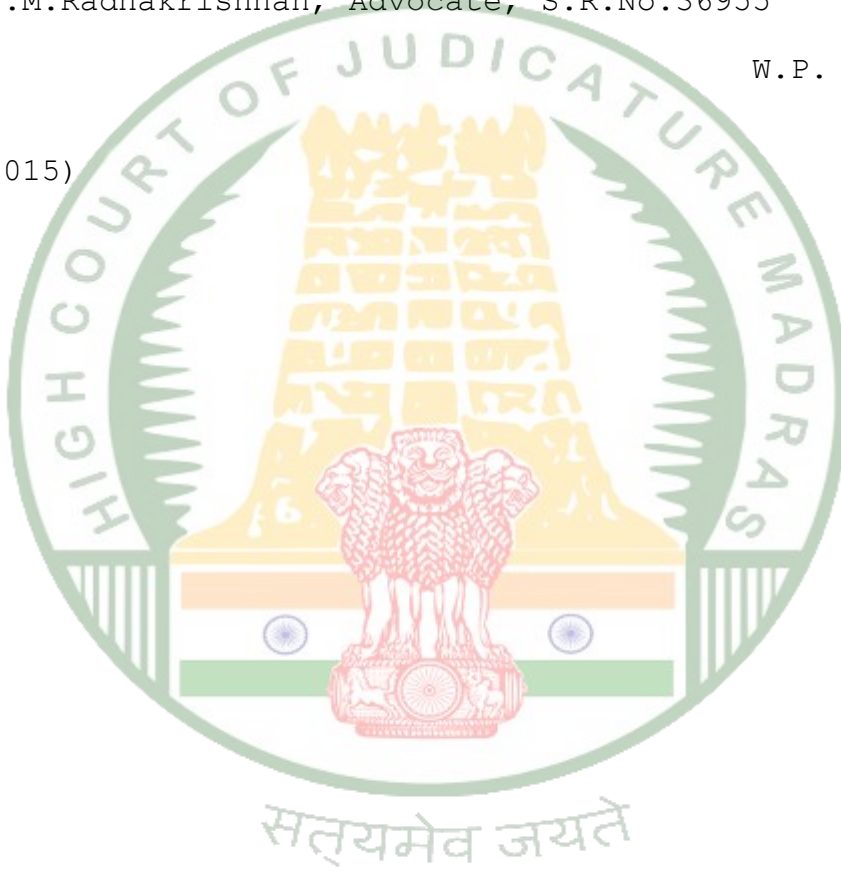
To

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.36955

W.P. No.21229 of 2015

TEJ(CO)
CA(29/07/2015)



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