

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22/7/2015

C O R A M

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

W.P. Nos.21817 of 2015

K. Shanmugapriya

... Petitioner

Vs.

1. The Revenue Divisional Officer
Dharmapuri
Dharmapuri 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 first respondent to decide the community status of the petitioner on the basis of the cultural report on "Kurumans" sent by second respondent vide his letter dated 18/2/2015 to first respondent 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 her

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 first respondent vide communication dated 20th May, 2015, summoned the petitioner to appear before the first respondent with all necessary documents on 25th May, 2015. The petitioner appeared before the first respondent and produced all the relevant documents including a relationship certificate issued by the Tahsildar, Dharmapuri. What had happened thereafter, i.e., whether enquiry report was submitted and what was the enquiry is not within the knowledge of the petitioner. In the meantime, the second respondent had circulated a Cultural Report on Kurumans community to all the Revenue Divisional Officers, which includes the petitioner as well. 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 addressed a letter to the Tahsildar to conduct an enquiry as to the community status of the petitioner. But, till date, as pleaded by the learned counsel for the petitioner, the petitioner has not received any communication in respect of submission of the report.

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 all other relevant documents and factors before

¹ (1994) 6 SCC 241

passing the appropriate orders on merits and in accordance with law. Such an exercise shall be carried out 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 IV)

//True Copy//

Sub Assistant Registrar

mvs

To

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

+1cc to Mr.M.Radha Krishnan Advocate, S.R.No.37099
+1cc to the Government Pleader, S.R.No.37168

W.P. No.21817 of 2015

KK(CO)
CA(05/08/2015)

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