

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.21857 to 21863 of 2015

C.Krisahnan :Petitioner in W.P.No.21857/15
K.MATHAPPAN :Petitioner in w.p.n0.21858/15
N.Samraj :Petitioner in W.P.No.21859/15
V.Raja :Petitioner in W.P.No.21860/15
R.Kavitha :Petitioner in W.P.No.21861/15
A.Natyarajan :Petitioner in W.P.No.21862/15
B.Gopalakrishnan :Petitioner in W.P.No.21863/15

Vs.

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

...Respondents
in all the WPS

Writ Petitions 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 petitioners ... Mr. M. Radhakrishnan

For respondents ... Mr. R. Rajeswaran
Special Government Pleader

C O M M O N 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 petitions are taken up for final disposal.

2 The petitioners, claiming to be a member of Kurumans (ST) community, seek a direction to the first respondent to consider their 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 petitioners that the petitioners had made applications on 4/6/2015, 4/6/2015, 4/6/2015, 4/6/2015, 4/6/2015, 5/6/2015 and 22/6/2015 respectively, before the first respondent for issuance of Community certificates to the effect that they belong to Kurumans Community (Scheduled Tribe). But the first respondent has not yet commenced the enquiry. What had happened thereafter, is not within the knowledge of the petitioners. In the meantime, the second respondent had circulated a Cultural Report on Kurumans community to all the Revenue Divisional Officers, which includes the petitioners as well. Hence, the instant writ petitions for the afore-stated relief.

4 A Division Bench of this Court, by an 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 cases on hand, concededly, the first respondent has addressed a letter to the Tahsildar to conduct an enquiry as to the community status of the petitioners. But, till date, as pleaded by the learned counsel for the petitioners, the petitioners had 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

1 (1994) 6 SCC 241

mind, the decision of the Supreme Court in Kumari Madhurai 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 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 These writ petitions stand disposed of with the above direction. Costs made easy.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1 The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

2 The Director of Tribal Welfare
Chennai 600 005.

+ 1 cc to Mr.M.Radhakrishnan, Advocate (SR.37166)
+ 1 cc to Government pleader (SR.37100)

RSI (co)
cp 06.08.2015

सत्यमेव जयते

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