

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2015

CORAM

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

W.P. No.22505 of 2015

M. Krishnan

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's daughter K. Srimathi 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.

For petitioner

Mr. M. Radhakrishnan

For respondents

Mr. R. Rajeswaran

Special Government Pleader

ORDER

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

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 decide the community status of the petitioner's daughter K. Srimathi, 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.

3 It is submitted by the learned counsel for the petitioner that pursuant to the petitioner's application dated 08.12.2014 for

issuance of community certificate to his younger daughter viz., K. Srimathi, she was summoned to appear before the first respondent and thus, the petitioner and his daughter appeared and produced all the relevant documents for the perusal of the first respondent. 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 13.02.2014 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 view of the foregoing, the first respondent shall examine the petitioner's case, 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 18.02.2015. The Cultural Report may not be a conclusive and final proof. The said report is one of the material documents while considering the application of the petitioner for issuance of community certificate to his daughter. Thus, the first respondent is directed to pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

1 (1994) 6 SCC 241

To

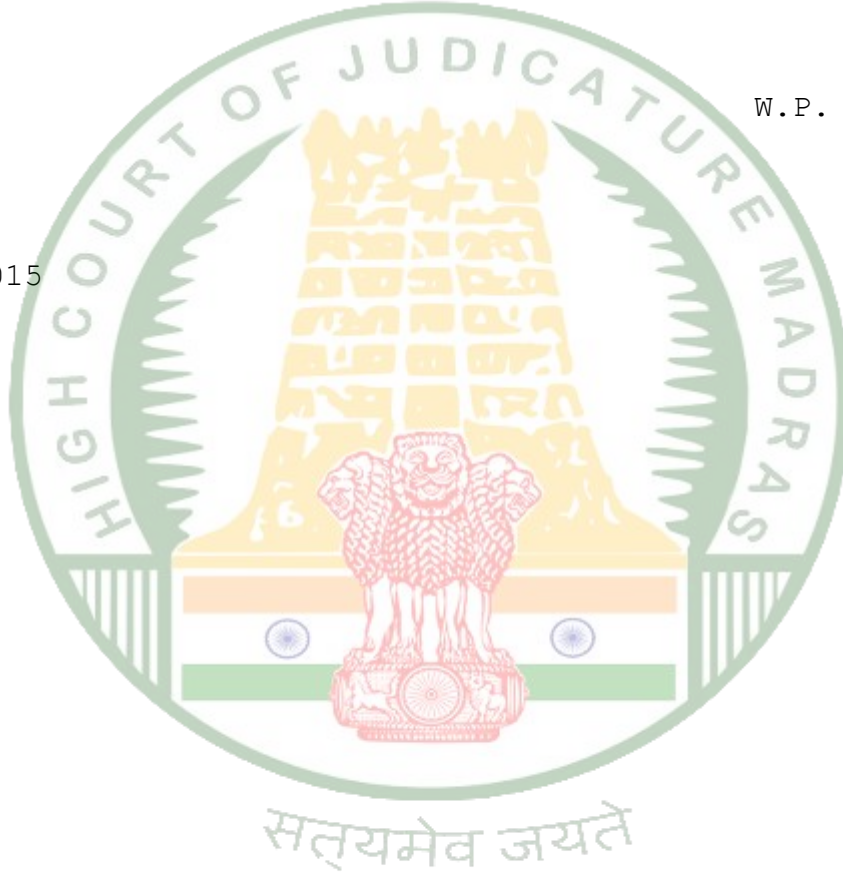
1 The Revenue Divisional Officer
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+1 cc to Mr.M.Radhakrishnan, Advocate sr.40162
+1 cc to Government Pleader sr.39121

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