

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

W.P. Nos.23334 and 23335 of 2015 & M.P. Nos.1 of 2015

A. Usha

... Petitioner in both
the writ petitions

Vs.

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

... Respondents in both
the writ petitions

Prayer in WP No.23334 of 2015: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records in the order dated 03.10.2014 in Application ID: 2014/0204/04/012532 (online) passed by the first respondent and quashing the same and directing the first respondent to consider the community status of the petitioner for issuance of Kurumans ST community certificate to her son A. Raghunathan, 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 and decide the same in accordance with law.

Prayer in WP No.23335 of 2015: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records in the order dated 03.10.2014 in Application ID: 2014/0204/04/012531 (online) passed by the first respondent and quashing the same and directing the first respondent to consider the community status of the petitioner for issuance of Kurumans ST community certificate to her son A. Deeran 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 and decide the same in accordance with law.

For petitioner in : Mr. M. Radhakrishnan
both the WPs

For respondents : Mr. N. Sakthivel
in both the WPs Government Advocate

COMMON ORDER

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

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondents. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal, at the admission stage itself.

2. These writ petitions are filed challenging the online orders of the first respondent, whereby and whereunder, the petitioner's applications seeking certificate that her son and daughter respectively belong to Kurumans (ST) community, were rejected.

3. The prime contention in these writ petitions is that the petitioner's applications seeking certificate that her son and daughter 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 petitioner has 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. 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 2012, had indicated that the cultural report on Kurumans is required to be considered, while the application of an applicant seeking issuance of Kurumans (ST) community certificate is examined.

6. 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, as per the guidelines laid down by the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and others¹

¹ (1994) 6 SCC 241

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. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. It is a 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.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

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

+2cc's to M/s.M.Radhakrishnan, Advocate, S.R.No.40168 & 40169

+1cc to the Government Pleader, S.R.No.39958

W.P. Nos.23334 & 23335 of 2015

ACA(CO)
CA(13/08/2015)