

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.23336 and 23337 of 2015

S. Ruthranayagi

Petitioner in WP No.23336/2015

S. Preethi

Petitioner in WP No.23337/2015

Vs.

1 The Revenue Divisional Officer
Tirupattur
Vellore District

2 The Director of Tribal Welfare
Chennai 600 005

Respondents in both 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 petitioners' applications made online (Application ID 2015/0204/04/044540) and (Application ID 2015/0204/04/044531) respectively dated 6th July 2015 for issuance of Kurumans Scheduled Tribe certificate to them, 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 within a reasonable time.

For petitioner in
both WPs : Mr. M. Radhakrishnan

For respondents in : Mr. N. Sakthivel
both 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 on either side, the writ petitions are taken up for final disposal, at the admission stage itself.

2 The petitioners, claiming to be members of Kurumans (ST) community, seek a mandamus to the first respondent to consider their online applications dated 6th July 2015 for issuance of community certificate to them, 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 petitioners that pursuant to the petitioners' online applications dated 6th July 2015, there has been no response from the authority concerned. In the meantime, the second respondent had circulated a Cultural Report on Kurumans community to all the Revenue Divisional Officers. Hence, the instant writ petitions 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 Kurumans (ST) 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 case of the petitioners, on merits and in accordance with law, within the time-frame as laid down by the Supreme Court in Kumari Madhuri Patil (supra) and also considering 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 petitioners for issuance of community certificate.

1 (1994) 6 SCC 241

7 The writ petitions stand disposed of with the above direction and observation. Costs made easy.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

cad

To

1 The Revenue Divisional Officer
Tirupattur
Vellore District

2 The Director of Tribal Welfare
Chennai 600 005

+2 cc to Mr.M.Radhakrishnan, Advocate, sr.40170, 40171.
+1 cc to The Government Pleader, sr.39958.

W.P. Nos.23336 and 23337 of 2015

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kra(13/08)

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