IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2015

CORAM

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

W.P. No.23599 of 2015

T. Senthilkumar Petitioner

Vs.

1. The Revenue Divisional Officer,
Aathur,
Salem District.

2. The Director of Tribal Welfare,
Chennai 600 005.

3. The Deputy Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider the application of the petitioner dated 03.02.2014 for issuance of " Malakkuravan" ST community certificate to him on the basis of the cultural report on "Malakkuravan" dated 23.07.2014 received by the second respondent and decide the same within a reasonable time.

For petitioner Mr. M. Radhakrishnan

For respondents Mr. N. Sakthivel
Govt. Advocate

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 Malakkuravan (ST) community, seeks a mandamus to the first respondent to consider his application dated 03.02.2014 for issuance of community certificate to

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him, on the basis of the cultural report on Malakkuravan sent by the third respondent vide his letter dated 23.07.2014.

3 It is submitted by the learned counsel for the petitioner that pursuant to the petitioner's application dated 03.02.2014, there has been no response from the authority concerned. Hence, the present writ petition with the aforestated prayer. In the meantime, the third respondent had circulated a Cultural Report on Malakkuravan community to all the District Collectors, (except Tiruvannamalai and Villupuram Districts). 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 the concerned community 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 & Others[1] 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 Malakkuravan received by the second respondent vide covering letter dated 23.07.2014 which has been, in turn, forwarded by the third respondent to all the District Collectors (except Tiruvannamalai and Villupuram Districts), for information. The said Cultural Report may not be a conclusive and final proof, but the same is one of the material documents for consideration of the petitioner's application for issuance of community certificate. Thus, the first respondent is directed to pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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1 (1994) 6 SCC 241

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

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Aathur,
Salem District.

2. The Director of Tribal Welfare,
Chennai 600 005.

3. The Deputy Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.

1 cc to Government Pleader.Sr.No.40240
1 cc to Mr.M. Radhakrishnan , Advocate Sr.No.40174

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