

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 6/8/2015

C O R A M

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. Nos.24155 to 24157 of 2015

and

M.P.Nos.1, 1 and 1 of 2015

K.Selvam

....

Petitioner in all the
petitions.

Vs

1. The Revenue Divisional Officer Salem,
Salem District.

2. The Director of Tribal Welfare
Chennai 600 005.

....

Respondents in all
the petitions.

Prayer in WP No.24155 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 20/7/2015 in Application ID: 2015/0204/08/022484 (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 the petitioner's son, S.Bharathi on the basis of the cultural report on "Kurumans" sent by respondent No.2 vide his letter dated 18/2/2015 to respondent No.1 and decide the same in accordance with law.

Prayer in WP No.24156 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 20/7/2015 in Application ID: 2015/0204/08/022495 (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 the petitioner's son, S.Silambaarasan on the basis of the cultural report on "Kurumans" sent by respondent No.2 vide his letter dated 18/2/2015 to respondent No.1 and decide the same in accordance with law.

Prayer in WP No.24157 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 20/7/2015 in Application ID: 2015/0204/08/022501 (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 the petitioner's daughter, S.Senbagam on the basis of the cultural report on "Kurumans" sent by respondent No.2 vide his letter dated 18/2/2015 to respondent No.1 and decide the same in accordance with law.

For petitioner in all the WPs	Mr. M. Radhakrishnan
For respondents in all the WPs	Mr. N. Sakthivel Government Advocate

C O M M O N O R D E R

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

In view of commonality of issue involved in all these writ petitions, these writ petitions are being considered and decided by this common order. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal.

2 These writ petitions are filed challenging the online orders of the first respondent, whereby and whereunder, the petitioners applications seeking certificate that they belong to Kurumans (ST) community, were rejected.

3 The prime contention in this batch of writ petitions is that the petitioners' applications seeking certificate that they 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 petitioners have 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 13th February, 2014 passed in W.P. No.11977 of 2014, 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.

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 and also taking into consideration, the relevant documents and materials, including the Cultural Report of Kurumans sent by the second respondent, vide communication dated 18th February, 2015. It is 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. If, on enquiry, it is found that the parents of the applicant seeking social status/community certificate, have been granted such certificate and the same is not held as not genuine or doubtful, such certificate cannot be disregarded and that is a conclusive proof in case of children. Accordingly, the competent officer is directed to examine the issue carefully and pass a fresh reasoned order on merits and in accordance with law.

7 With the above direction, these writ petitions stand disposed of. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer Salem,
Salem District.

2. The Director of Tribal Welfare
Chennai 600 005.

+1cc to Mr.M.Radhakrishnan, Advocate S.R.No.40752,40753,40754
+1cc to The Government Pleader, S.R.No.40815,40816

W.P. Nos.24155 to 24157 of 2015

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srg 19.08.2015