

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07/8/2015

C O R A M

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

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

W.P. No.24158 of 2015

and

M.P.No.1 of 2015

S. Kuberan

... Petitioner

Vs

1. The Revenue Divisional Officer
Tikruppatur,
Vellore District.

2. The Director of Tribal Welfare
Chennai 600 005.

.... Respondents i

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 25.07.2015 in Application ID: 2015/0204/04/037176 (Online) passed by respondent No.1 and quashing the same and directing respondent No.1 to consider the community status of the petitioner for issuance of "Kurumans" ST Community Certificate to the petitioner 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 and decide the same in accordance with law.

For petitioner

Mr. M. Radhakrishnan

For respondents

Mrs. A. Sri Jayanthi
Special Government pleader

O R D E R

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

With the consent of the learned counsel for the parties, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition is filed challenging the online orders of the first respondent, whereby and whereunder, the petitioner's application seeking certificate that he belongs to Kurumans (ST) community, was rejected.

3 The prime contention in this writ petition is that the petitioner's application seeking certificate that he belongs to Kurumans (ST) community was not considered properly and the same was 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 13th February, 2014 passed in W.P. No.11977 of 2014, 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.

6 In such view of the matter, the impugned online order is 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. 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.

7 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 vide his letter dated 18.02.2015 to the first respondent. The 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. Accordingly, the first respondent is directed to examine the issue carefully and pass a

fresh reasoned order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8 With the above direction, this writ petition stands disposed of. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to Mr.RadhaKrishnan, Advocate, S.R.No.41154

+1cc to The Government Pleader, Advocate, S.R.No.41249

W.P. No. 24158 of 2015

rsk[co]
srg 19.08.2015

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