

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25/8/2015

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.26229 of 2015

M.Vadivel ... Petitioner

Vs

1. The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.
2. The Director of Tribal Welfare
Chennai 600 005. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to decide the community status of the petitioner on the basis of the cultural report on "Kurumans" sent by respondent No.2 vide his letter dated 18/2/2015 to the first respondent within a reasonable time.

For petitioner ... Mr. M. Radhakrishnan

For respondents ... Mr. N.Sakthivel
Government Advocate

O R D E R

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

Mr.N. Sakthivel, learned Government Advocate takes notice on behalf of the respondents. 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 Kurumans (ST) community, seeks a mandamus to the first respondent to consider his application dated 1st June, 2015 for issuance of community certificate to him, on the basis of the cultural report on Kurumans sent by the second respondent vide his letter dated 18th February, 2015.

3. It is submitted by the learned counsel for the petitioner that pursuant to the petitioner's application dated 1st June, 2015, there has been no response from the authority concerned. Hence, the present writ petition with the aforestated prayer. In the meantime, the second respondent had circulated a Cultural Report on Kurumans community to all the Revenue Divisional Officers. Hence, the instant writ petition for the afore-stated relief.

4. A Division Bench of this Court, by order dated 13th February, 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 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 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 to the first respondent, vide his letter dated 18th February, 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 petitioner 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 two weeks from the date of receipt of a copy of this order.

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

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mvs.

1 (1994) 6 SCC 241

To

1. The Revenue Divisional Officer
Tirupattur
Vellore District.

2. The Director of Tribal Welfare
Chennai 600 005.

+1 cc to Mr.M.Radhakrishnan, Advocate, sr.45043
+1 cc to Govt.Pleader, sr.45434

W.P. No.26229 of 2015

bvr(co)
kra(3/9)



WEB COPY