

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2015

CORAM:

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

W.P. No.27156 of 2015

K. Venkatesan

Petitioner

vs.

1. The Revenue Divisional Officer
Tirupattur, Vellore 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 respondent no.1 to consider the petitioner's online application dated 27.07.2015 (Application ID No.2015/0204/04/058600) for issuance of a community certificate to him 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 Mr. N. Sakthivel
Government Advocate

ORDER

(made by SATISH K. AGNIHOTRI, J.)

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

2 The petitioner, claiming to be belonging to Kurumans (ST) community, seeks a writ of mandamus to the first respondent to consider his online application dated 27th July 2015, for issuance of such a 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 online application dated 27th July

2015, there has been no response from the authority concerned. Hence, the present writ petition with the aforesaid prayer.

4 The Government of Tamil Nadu had issued a Circular in Na.Ka.No.Va.Ne.5(3)/2958/2011 dated 21st January 2011 inter alia stating that community certificates in respect of Scheduled Tribes should be issued within a period of one week and in cases, where enquiries are to be held, such certificates should be issued within a period of 15 days. Ergo, the authorities are under an obligation to adhere to the time schedule, as notified by the Government.

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 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.

6 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.

7 In view of the foregoing, the first respondent shall examine the petitioner's case, keeping in mind, the decision of the Supreme Court in Kumari Madhuri Patil (supra) and in the light of the Cultural Report on Kurumans sent by the second respondent to the first respondent, vide his letter dated 18th February 2015 and so also the Circular dated 21st January 2011 (supra). The Cultural Report may not be a conclusive and final proof. Yet, the said report is one of the material documents while considering 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 four weeks from the date of receipt of a copy of this order.

8 The writ petition stands disposed of with the above direction and observation. Costs made easy.

Sd/-
Asst.Registrar (CS III)

/true copy/

cad

Sub Asst. Registrar

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.46472

+1 cc to Govt.Pleader, sr.46893

W.P. No.27156 of 2015

gj co
kra 15/09



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