

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM:

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

W.P. No.28512 of 2015

R. Sivakumar

...Petitioner

Vs.

The Sub Collector -cum -
Revenue Divisional Officer,
Revenue Divisional Office,
Mettur Dam,
Salem District 636 401.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to pass orders on the application of the petitioner dated 05.08.2015 for issuance of community certificate to the petitioner's minor children viz., (1) S.P. Dhiyaneswaran and (2) S.P. Arunthathika stating that they belong to Kurumans Scheduled Tribes Community.

For Petitioner : Mr.M. Elango

For Respondent : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

सत्यमेव जयते
ORDER

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondent. With the consent of the learned counsel on either side, the writ petition is taken up for disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondent to issue Kurumans (ST) community certificate to the petitioner's children by name Minor S.P.

Dhiyaneswaran and minor S.P. Arunthathika based on the petitioner's application dated 05.08.2015.

3 It is submitted by the learned counsel for the petitioner that pursuant to the petitioner's application dated 05.08.2015, there has been no response from the authority concerned. The Adi Dravidar and Tribal Welfare Department had circulated a proceedings dated 03.05.2010 to all the Revenue Divisional Officers with regard to issuance of Community Certificates to the Schdule Tribes. Hence, the instant writ petition for the afore-stated relief.

4 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.

5 In view of the foregoing, the 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 proceedings issued by the Adi Dravidar and Tribal Welfare Department vide its letter dated 03.05.2010 to all the Revenue Divisional Officers. Thus, the 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.

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

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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¹ (1994) 6 SCC 241

To

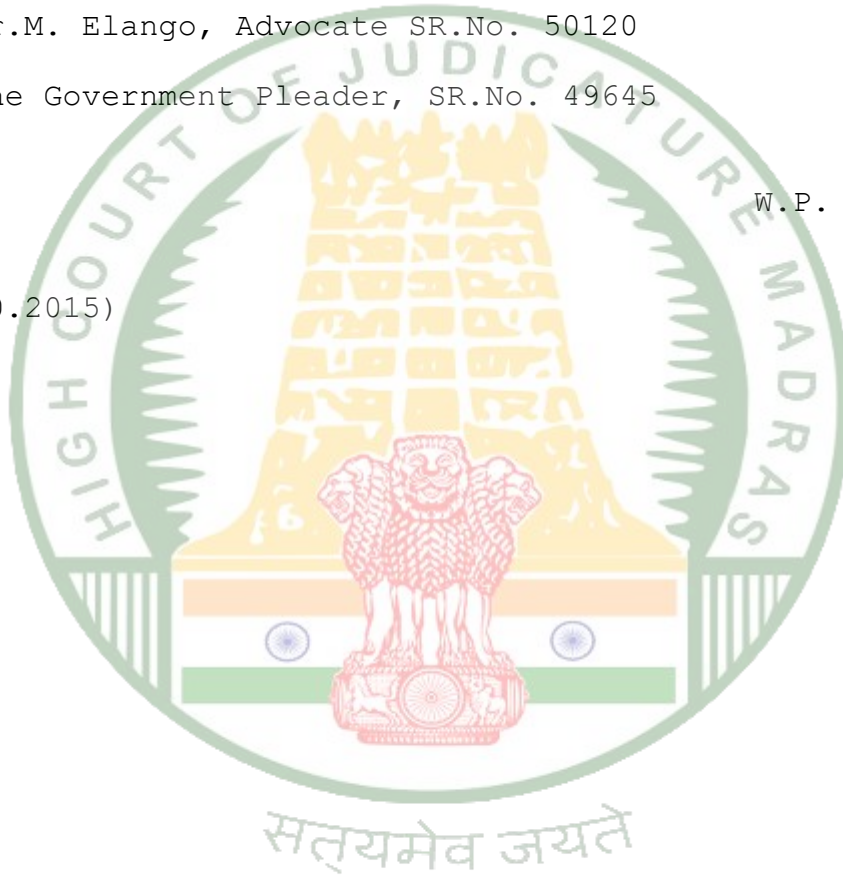
The Sub Collector -cum -
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1 CC to Mr.M. Elango, Advocate SR.No. 50120

1 CC to the Government Pleader, SR.No. 49645

W.P. No.28512 of 2015

CNR (CO)
PSI (01.10.2015)



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