

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.28533 of 2015

A. Venkatachalam

..Petitioner

Vs.

1. The Revenue Divisional Officer,
Salem,
Salem 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's son V. Nithyanandhan on the basis of the cultural report on "Kurumans" sent by the second respondent vide his letter dated 18.02.2015 to respondent No.1 within a reasonable time.

For petitioner : Mr. M. Radhakrishnan

For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

ORDER

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

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 to decide the community status of the petitioner's son viz., V. Nithyanandhan on the basis of the cultural report on "Kurumans" sent by the second respondent vide his letter dated 18.02.2015.

3 It is submitted by the learned counsel for the petitioner that pursuant to the petitioner's application dated 24.07.2015, there has been no response from the authority concerned. 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 13.02.2014 passed in W.P. No.11977 of 2012, 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.

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 vide his letter dated 18.02.2015 to all the Revenue Divisional Officers. 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. 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.

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

1 (1994) 6 SCC 241

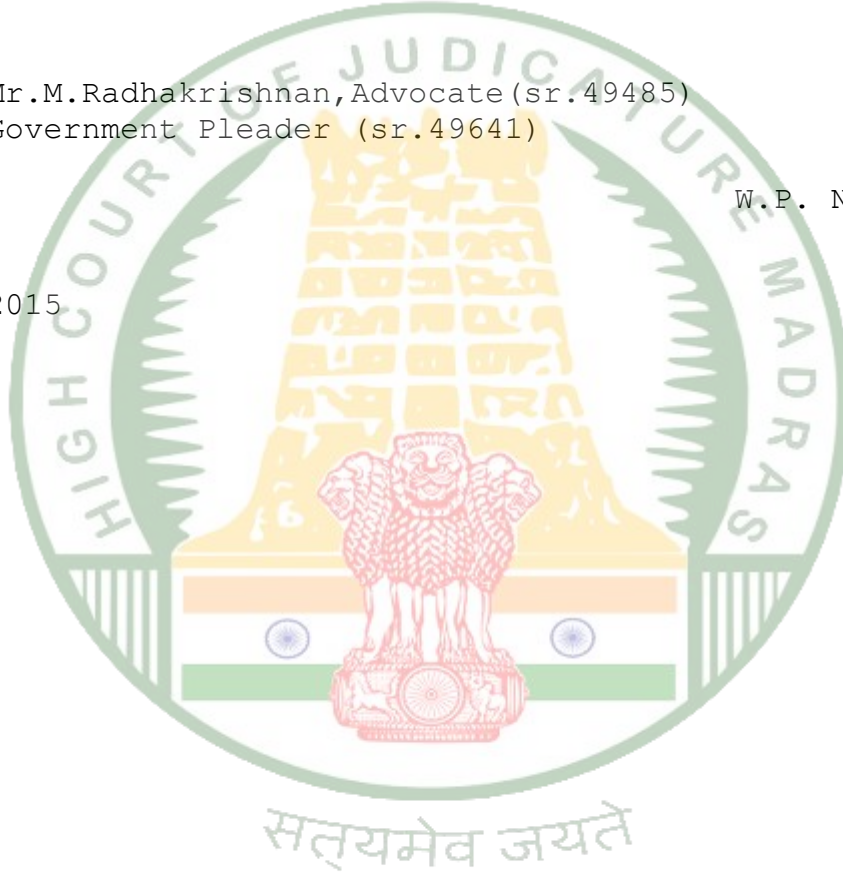
To

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

+1 cc to Mr.M.Radhakrishnan, Advocate (sr.49485)
+1 cc to Government Pleader (sr.49641)

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cp 25/09/2015



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