

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.33806 of 2015

B. Madesh

Petitioner

Vs.

1 The Revenue Divisional Officer
Dharmapuri

2 The Director of Tribal Welfare
Directorate of Tribal Welfare
Chepauk, Chennai 600 005

3 The Commissioner of Revenue Administration
Chepauk
Chennai 600 005

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to consider the petitioner's representation dated 07.09.2015 for issuance of Kurumans ST community certificates to him and his sons in the light of the anthropological report sent by the second respondent on 18.02.2015.

For petitioner Mr.M. Ravi

For respondents Mr. N. Sakthivel
Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondents. With consent, the writ petition is

taken up for final disposal, at the admission stage itself.

2 By this writ petition, the petitioner seeks a direction to the first respondent to consider his representation dated 07 September 2015 for issuance of Kurumans (ST) community certificate to him and his sons, in the light of the anthropological report sent by the second respondent on 18 February 2015.

3 According to the learned counsel for the petitioner, claiming to be a member of Kurumans (ST) community, the petitioner made an application to the first respondent on 07 September 2015, seeking such certificate to himself and his sons. However, no orders have been passed on the said application. Hence, this writ petition for the aforestated relief.

4 At this juncture, it is pertinent to point out that a Division Bench of this Court, by order dated 13 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 In the case on hand, according to the learned counsel for the petitioner, not even enquiry into the petitioner's community status, has been commenced.

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. 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, we direct the authorities to consider and pass orders on the petitioner's representation dated 07 September 2015 on merits and in accordance with law, within the time stipulated by the Supreme Court, as aforestated.

1 (1994) 6 SCC 241

The writ petition stands disposed of with the above observation. No costs.

Sd/-
Assistant Registrar (CS-II)

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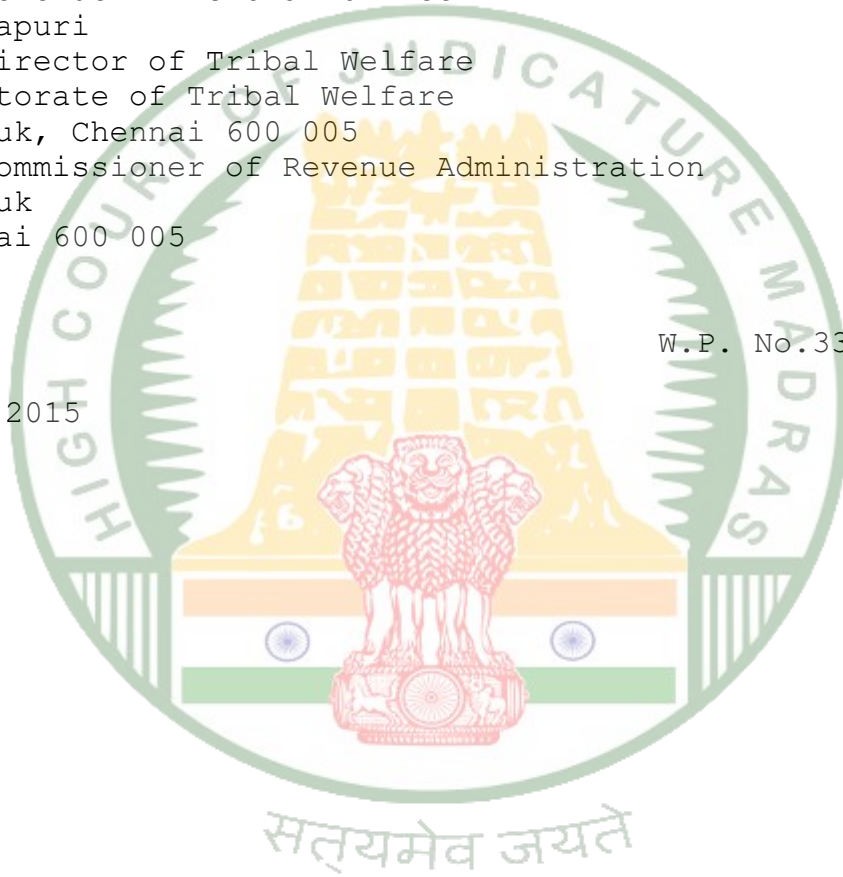
Sub Assistant Registrar

cad
To

- 1 The Revenue Divisional Officer
Dharmapuri
- 2 The Director of Tribal Welfare
Directorate of Tribal Welfare
Chepauk, Chennai 600 005
- 3 The Commissioner of Revenue Administration
Chepauk
Chennai 600 005

vd co
kra 17.12.2015

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