

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2015

CORAM

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

W.P. No.36706 of 2015

R. Ranganathan

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, his wife Govindammal and his children, viz., R. Komathavalli, R.Silambarasan and R. Srimuga, on the basis of the cultural report on "Kurumans" sent by the second respondent vide his letter dated 18.02.2015 to the first respondent within a reasonable time.

For petitioner Mr. M. Radhakrishnan

For respondents Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner, claiming to be a member of Kurumans (ST) community, seeks a direction to the first respondent to

decide his community status, on the basis of the cultural report on Kurumans sent by the second respondent vide his letter dated 18 February 2015, to the first respondent.

3 According to the learned counsel for the petitioner, the petitioner made an application to the first respondent seeking Kurumans (ST) community certificate to himself, his wife and his children, viz., R. Komathavalli, R.Silambarasan and R. Srimuga. However, enquiry into his community status has not even been commenced and no orders have been passed on his 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 13.02.2014 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, the first respondent is directed to consider the petitioner's application dated 09 June 2015, at the earliest, keeping in mind, the decision of the Supreme Court in Kumari Madhurai Patil (supra) and also the Cultural Report on Kurumans sent by the second respondent to the first respondent, vide his letter dated 18 February 2015 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

1 (1994) 6 SCC 241

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

Sd/-d/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

cad

To

1 The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

2 The Director of Tribal Welfare
Chennai 600 005

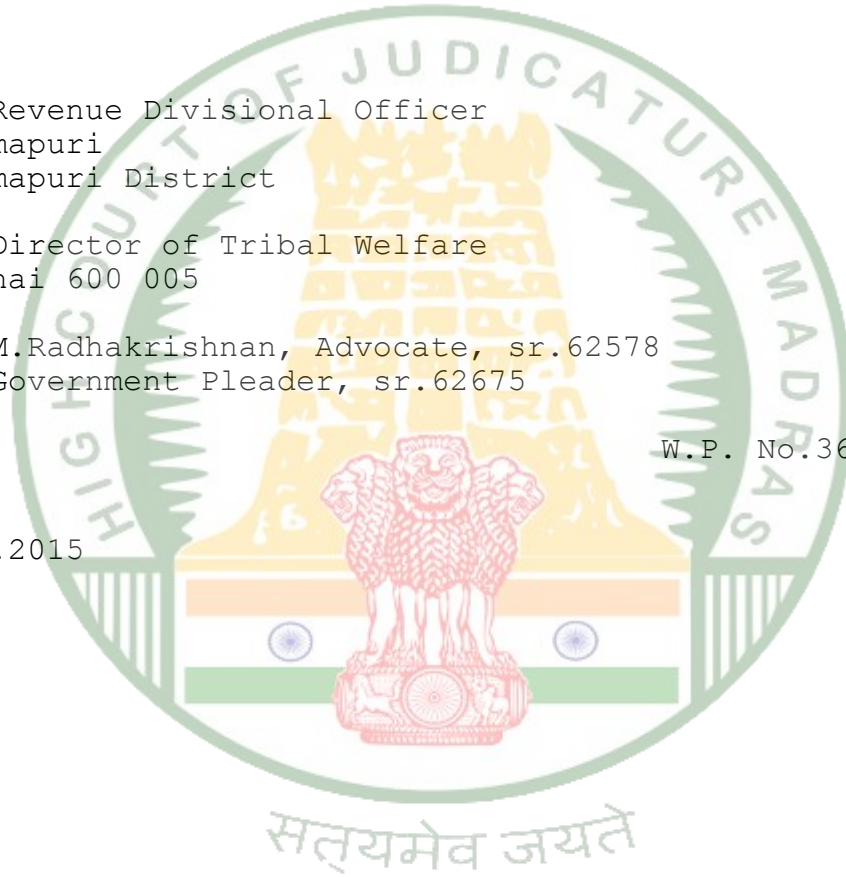
+1 cc to M.Radhakrishnan, Advocate, sr.62578

+1 cc to Government Pleader, sr.62675

W.P. No.36706 of 2015

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