

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.38059 of 2015

B.P. Govindan

Petitioner

Vs.

1 The District Collector
Dharmapuri District
Dharmapuri

2 The Revenue Divisional Officer
Dharmapuri Revenue Division
Dharmapuri

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the second respondent to issue a community certificate of Kurumans Scheduled Tribe to the petitioner based on the petitioner's application dated 16 June 2015.

For petitioner Mr. M. Selvam

For respondents Mr. N. Sakthivel
Government Advocate

सत्यमेव जयते

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 second respondent to consider his representation dated 16 June 2015 for issuance of Kurumans (ST) community certificate to him.

3 According to the learned counsel for the petitioner, claiming to be a member of Kurumans (ST) community, the petitioner made a representation to the second respondent on 16 June 2015, seeking issuance of such certificate to him. However, no orders have been passed on the said representation. 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 rendered 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 16 June 2015 on merits and in accordance with law, within the time stipulated by the Supreme Court, as aforestated.

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

cad

s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

1 (1994) 6 SCC 241

To

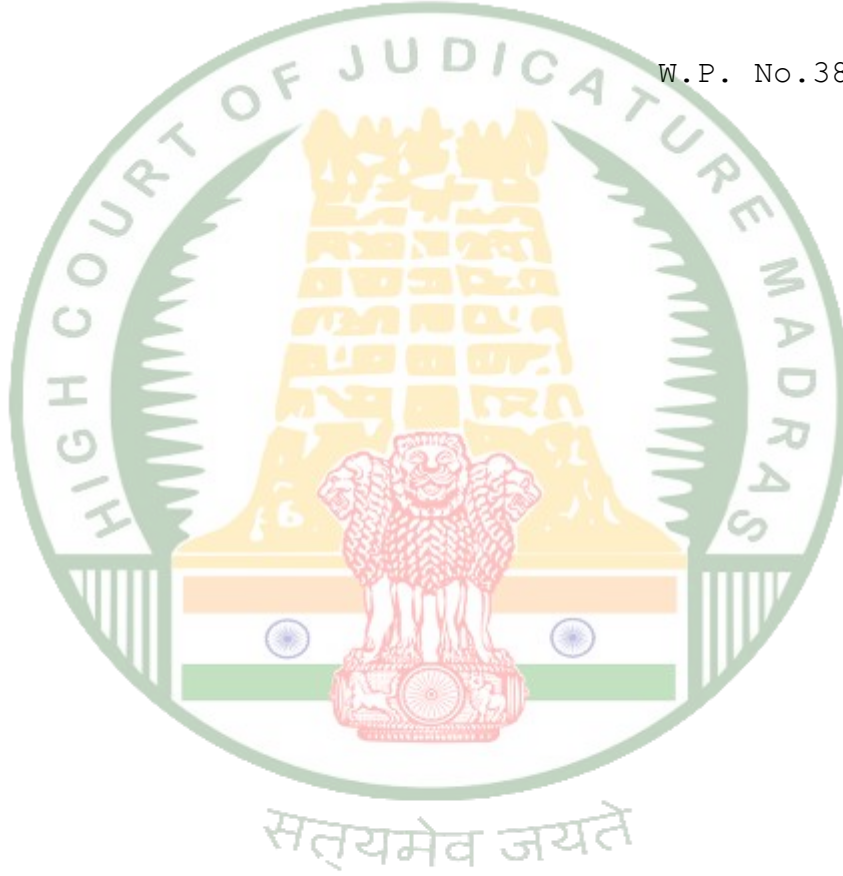
1 The District Collector
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+ 1 cc to Mr.M.Selvam, Advocate SR 65375

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