

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM

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

W.P. No.39632 of 2015

Nagenthiran

... 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.5. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider petitioner's representation dated 26.09.2015 for issuance of Kurumans S.T. Community certificates to the petitioner and his sons, in the light of Anthropological report sent by the second respondent on 18.02.2015.

For petitioner Mr. M. Ravi

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

ORDER

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

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice for the respondents. With the consent of the learned counsel on either side, 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 mandamus to the first respondent to consider to decide the community status of the petitioner - Nagenthiran and his sons viz., Loganathan and Meganathan on the basis of the Anthropological 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 26 September, 2015, there has been no response from the authority concerned. The second respondent had already 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 the time frame stipulated by the Supreme Court, as aforestated.

1 (1994) 6 SCC 241

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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.5.

+1cc to Mr.M.Ravi, Advocate, S.R.No.68183
+1cc to the Government Pleader, S.R.No.68137

W.P. No.39632 of 2015

kk(CO)
srg(07/01/2016)

सत्यमेव जयते

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