

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.12487 of 2016

G. Rasappa

.. Petitioner

Vs.

1 The Sub Collector,
Perambalur.

2 The Director of Tribal Welfare
Chennai 600 005

..Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to decide the community status of the petitioner's children viz., R. Pravin Kumar and R. Kousalya 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 petitioners Mr. M. Radhakrishnan

For respondents Mr. T.T. Girija
Govt. Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Ms. T.T. Girija, 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 decide the community status of the petitioner's children viz., R.Pravin Kumar and R. Kousalya on the basis of the cultural report submitted by the second respondent vide his letter dated 18 February 2015 to the first respondent.

3 According to the learned counsel for the petitioner, claiming to be member of Kurumans (ST) community, the petitioner made an application to the first respondent on 19 December 2015, seeking issuance of such certificate to his children. However, no action has been taken by the authorities pursuant to his application. Hence, this writ petition for the aforesaid 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 Further, recently, in *G. Venkitasamy and V. Balasubramaniam vs. The Chairman, State Level Scrutiny Committee and Secretary to Government, Adi Dravidar and Tribal Welfare Department, Namakkal Kavingar Maaligai, Fort St. George, Chennai - 9*¹, a Division Bench of this Court, wherein, one of us (Satish K.Agnihotri, J.) was a Member, while dealing with the subject of issuance of community certificates, laid down certain guidelines in sync with the directions issued by the Supreme Court in *Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others*².

6 Given the fact the petitioner's application has been kept pending from 2015, we direct the first respondent to consider and pass appropriate orders on the petitioner's application dated 19 December 2015, on its own merits and in accordance with law, considering the Cultural Report on Kurumans forwarded by the second respondent and in the light of the judgment in *G.Venkitasamy and V. Balasubramaniam (supra)*, within a period of four weeks from the date of receipt of a copy of this order.

1 2016-1-L.W. 289 : (2016) 1 MLJ 606

2 (1996) 4 SCC 241

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1 The Sub Collector,
Perambalur.

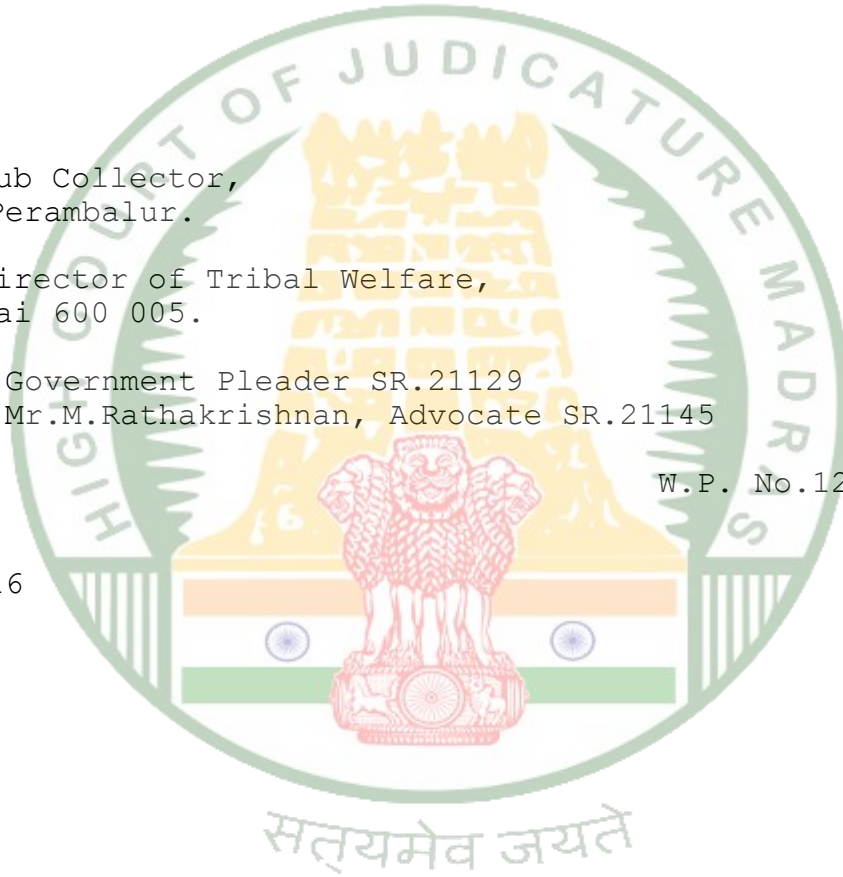
2 The Director of Tribal Welfare,
Chennai 600 005.

+ 1 cc to Government Pleader SR.21129

+ 1 cc to Mr.M.Rathakrishnan, Advocate SR.21145

W.P. No.12487 of 2016

VSN(CO)
Eu 20.04.16



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