

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.P. No.14416 of 2016

Anjana

Petitioner

Vs.

1 The Revenue Divisional Officer
Dharmapuri

2 The Director of Tribal Welfare
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 decide the community status of the petitioner, her husband Mr. Gowdappa and her children, viz., Lokeshkumar and Loga Ilakkiya 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 time frame.

For petitioner Mr. M. Radhakrishnan

For respondents Mrs. T.T. Girija
Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. 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 writ of mandamus directing the first respondent to decide the community status of herself, her husband Gowdappa and her children, viz., Lokeshkumar and Loga Ilakkiya 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, within a time frame.

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 24 August 2015, seeking issuance of such certificate to herself, her husband and their two children. However, no action has been taken by the authorities pursuant to her 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 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 - 9¹, 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 Others².

6 Given the fact that the petitioner's application has been kept pending since August 2015, we direct the first respondent to consider and pass appropriate orders on the petitioner's application dated 24 August 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 Division Bench judgment of this Court in G.Venkitasamy and V. Balasubramaniam (supra), within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CO)

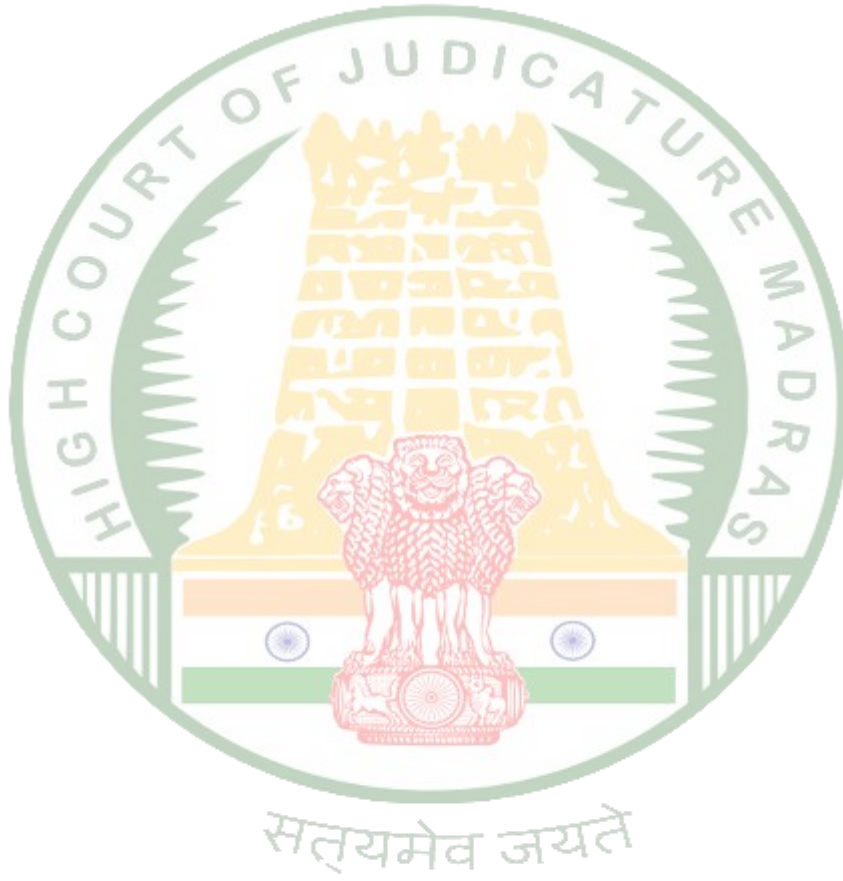
//True Copy//

Sub Assistant Registrar

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

2 (1996) 4 SCC 241

cad



WEB COPY

To

- 1 The Revenue Divisional Officer
Dharmapuri
- 2 The Director of Tribal Welfare
Chennai 600 005

+lcc to Mr.M. Radhakrishnan, Advocate, S.R.No.24360
+lcc to the Government Pleader, S.R.No.24719

KSJ(CO)
EU(25/04/2016)

W.P. No.14416 of 2016



WEB COPY