

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition Nos.18589 and 18590 of 2016

N.Surya, M/A 17 Years (Minor)
S/o.B.N.Nanjundan
(Minor Rep. by his Father
and next friend)

...Petitioner in W.P.No.18589 of 2016

N.Vimalkumar

...Petitioner in W.P.No.18590 of 2016

Vs.

- 1 The Secretary to Govt
Adi Dravidar and Tribal
Welfare Secretariat
Fort St. George, Chennai-600 009
- 2 The Collector
Nilgiris District
Udhagamandalam
- 3 The Revenue Divisional Officer
Revenue Divisional Office
Udhagamandalam
The Nilgiris

...Respondents.

Prayer in W.P.No.18589 of 2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent, the Revenue Divisional Officer, Udhagamandalam to issue permanent Community Certificate as Hindu Malai Vedan Community recognized as Scheduled Tribes to the petitioner's son Mr. Surya. as per the G.O.Ms.No.1773/SWD/dated 23.06.1984 SC and ST orders (Amendment) Act, 1976, vide Serial No.22 on the online application dated 02.07.2015.

Prayer in W.P.No.18590 of 2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent, the Revenue Divisional Officer, Udhagamandalam to issue permanent Community

Certificate as Hindu Malai Vedan Community recognized as Scheduled Tribes to the petitioner, as per the G.O.Ms.No.1773/SWD/dated 23.06.1984 SC and ST orders (Amendment) Act, 1976, vide Serial No.22 on the petition of the petitioner dated 02.07.2015.

For Petitioner
in both W.Ps. : Mr.S.Radhakrishnan

For Respondents
in both W.Ps. : Mr.P.S.Sivashanmugasundaram,
Spl.G.P.

COMMON ORDER

(Order of the Court was made by HULUVADI G. RAMESH,J.)

The Writ Petitions are filed seeking issuance of a direction to the 3rd respondent-the Revenue Divisional Officer, Udhagamandalam, to issue permanent community certificate as Hindu Malai Vedan community as recognized as Scheduled Tribes to the petitioners as per the Government Order in G.O.Ms.No.1773/SWD dated 23.06.1984 SC and ST Amendment Act, 1976.

2. According to the petitioners, they belong to Hindu Malai Vedan Community and are living in Bannimaram and Tattaneri Village, Udhagamandalam Taluk, for which the Government has issued Family Identity Card as Scheduled Tribes to each family by District Tribal Welfare Officer, Udhagamandalam. It is also stated that Identity Card No.227 has been issued to the petitioners' family.

3. The grievance of the petitioners is that even though they approached the third respondent, the Revenue Divisional Officer, Udhagamandalam, through online application dated 07.10.2014 and 02.07.2015, the third respondent has not acted upon the said applications.

4. The learned counsel for the petitioners submits that as per the Amendment Act 1976, the petitioners' community viz., Hindu Malai Vedan is classified as Schedule Tribes and it is for the third respondent to issue permanent community certificate in this regard.

5. Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3, submits that a direction may be issued to the 3rd respondent-Revenue Divisional Officer, Udhagamandalam/Coonoor, to pass appropriate orders on the online applications of the petitioners.

6. Considering the facts and circumstances of the case and also the submission made on either side, the 3rd respondent-Revenue Divisional Officer, Coonoor/Udhagamandalam, shall meticulously verify the online applications dated 02.07.2015 said to have been submitted by the petitioners and consider the case of the petitioners with regard to issuance of permanent community certificate as per G.O.Ms.No.1773/SWD/dated 23.06.1984 SC and ST orders (Amendment) Act, 1976. The petitioners shall also submit all documents/certificates which are necessary for the consideration and verification of community status by the Revenue Divisional Officer. The Revenue Divisional Officer, on satisfaction of the documents submitted by the petitioners with regard to community status, shall pass appropriate orders in accordance with law within two weeks from the date of production of a copy of this order by the petitioners.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nvsri
To

- 1 The Secretary to Govt
Adi Dravidar and Tribal Welfare Secretariat
Fort St. George, Chennai-600 009
- 2 The Collector
Nilgiris District
Udhagamandalam
- 3 The Revenue Divisional Officer
Revenue Divisional Office
Udhagamandalam
The Nilgiris

+ 1 cc to Mr.Government Pleader Sr.29821
+ 2 ccs to M/s. S. Radhakrishnan, Advocate Sr.29135

W.P.Nos.18589 and 18590 of 2016

PPA(CO)
Eu 17.6.16