

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.3919 of 2016

M/s.Makkal Nala Urimaigal Padhukapu
Trust, Rep. by its Founder cum
Managing Trustee, J.D.Muthu Office at
No.115/45, K.K.Nagar, Tiruttani .. Petitioner

-vs-

- 1.The Government of India,
Rep. by the Chief Secretary,
President's Secretariat, Rashtrapathi
Bhavan, New Delhi.
- 2.The Government of Tamil Nadu,
Rep. by The Chief Secretary,
Secretariat, Fort St. George, Chennai.
- 3.Deleted
- 4.The Secretary to the Govt. of
Tamil Nadu, Adidraavidar and Tribal
Welfare Department, Secretariat, Chennai.
- 5.The Director of Scheduled Tribes,
Ezhilagam, Chennai. सत्यमेव जयते
- 6.The Director,
Tribal Research Centre,
M.Paladu, Ooty.
- 7.The Commissioner for Revenue Administration,
Ezhilagam, Chennai.
- 8.The Secretary,
Ministry of Social Justice and
Empowerment, Govt. of India,
Shastri Bhavan, New Delhi.

9.The Secretary,
PC and V Division,
Ministry of Tribal Affairs,
New Delhi.

(R3 Deleted as per order dt.17.02.2016
made in WP.3919/2016)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the impugned G.O.No.1564 Social Welfare Department dated 30.07.1985 along with another impugned G.O.Ms.No.28 Backward Classes and Most Backward Classes Welfare department dated 19.07.1994 published in the Issue No.369 dated 19.07.1994 of the Tamil Nadu Government Gazette, all passed by the 2nd respondent and quash as far as the re-classification of Palli community as Backward & Most Backward class respectively, consequently restore the benefits to the Palli community as Backward Tribe as already notified & declared in the "The Govt. of India ("Provisional Legislative Assemblies) order 1936 dated 30.04.1936 which was published in the Govt. of India Gazette Issue No.23, dated 06.06.1936 part-I in pages 621, 622 to 732 in the Thirteenth Schedule (Page 731) in Sl.No.39 and direct the respondents to enlist the Palli community in The Presidential Order, namely The Constitution Schedule Tribes Order, 1950.

For Petitioner : Mr.P.Srinivasan

For Respondents : Mr.Su.Srinivasan
Asst. Solicitor General
for RR 1, 8 & 9

: Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.Shanmugasundar, G.A.
For RR 2 and 4 to 7

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The perusal of the affidavit filed by the State Government shows that the issue of the inclusion of Palli community under the Scheduled Tribe category is pending consideration before the sixth respondent / Director, Tribal Research Centre. However, we cannot appreciate the stand of the deponent on behalf of the respondents, which seeks to suggest as if they have nothing to do with the matter, since all the respondents are either parts of the State Government or the Central Government.

2.Learned Assistant Solicitor General submits that the role of the Central Government would begin only when the State Government sends the report. Preparation of the report is at the initial stage by the sixth respondent. We, thus, call upon the petitioner to submit whatever material it has in its power and possession to support the plea of the recognition of the Palli community under the head of Scheduled Tribe within four (4) weeks as prayed for to the sixth respondent.

3.The sixth respondent will thereafter carry out the exercise based on that material and other materials to be gathered by the sixth respondent. This exercise be completed within six (6) months and dependant on the report which is to be submitted within the same period of time, the State Government and thereafter, the Central Government will take necessary steps.

4.Writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Website : Yes/No

sra

To

1.The Government of India,
Rep. by the Chief Secretary,
President's Secretariat, Rashtrapathi
Bhavan, New Delhi.

2.The Government of Tamil Nadu,
Rep. by The Chief Secretary,
Secretariat, Fort St. George, Chennai.

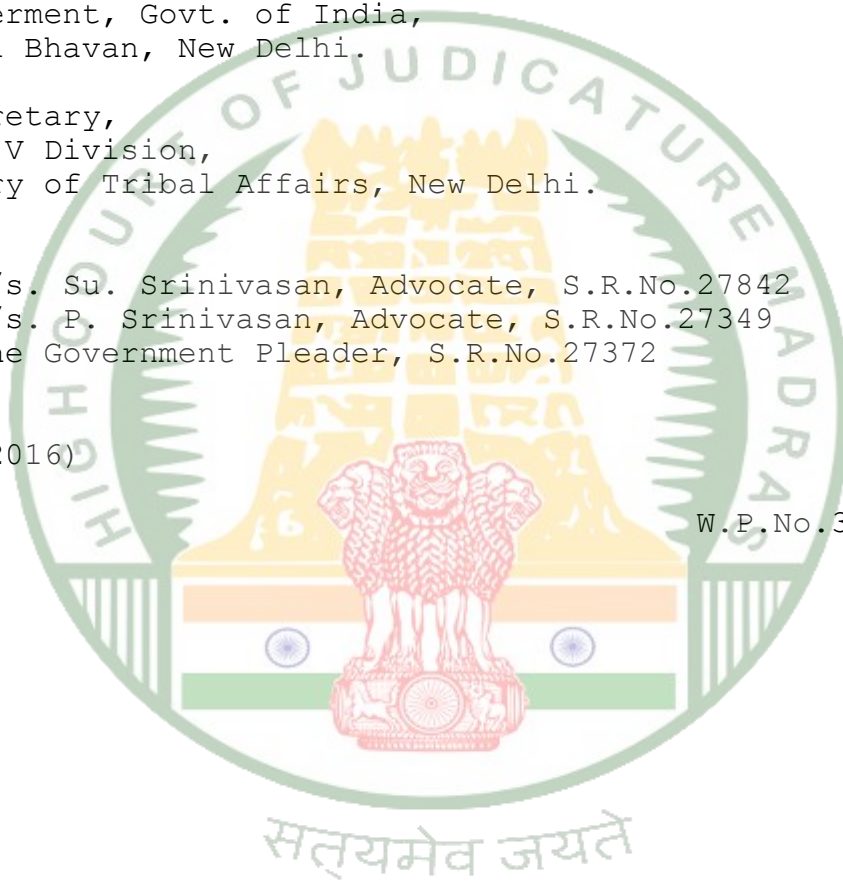
3.The Secretary to the Govt. of
Tamil Nadu, Adidravidar and Tribal
Welfare Department, Secretariat, Chennai.

- 4.The Director of Scheduled Tribes,
Ezhilagam, Chennai.
- 5.The Director,
Tribal Research Centre,
M.Paladu, Ooty.
- 6.The Commissioner for Revenue Administration,
Ezhilagam, Chennai.
- 7.The Secretary,
Ministry of Social Justice and
Empowerment, Govt. of India,
Shastri Bhavan, New Delhi.
- 8.The Secretary,
PC and V Division,
Ministry of Tribal Affairs, New Delhi.

+1cc to M/s. Su. Srinivasan, Advocate, S.R.No.27842
+1cc to M/s. P. Srinivasan, Advocate, S.R.No.27349
+1cc to the Government Pleader, S.R.No.27372

R(CO)
EU(11/05/2016)

W.P.No.3919 of 2016



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