

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:17.07.2017

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE P.D.AUDIKESAVALU

W.P.No.9221 of 2017

R.Boopathi

.. Petitioner

Vs.

1.The Sub Collector,
Tirupattur,
Vellore District 635 601

2.The Director of Tribal Welfare,
Chennai - 600 005.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent No.1 to decide the application of the petitioner dated 16.02.2017 for issuance of "Kurumans" Scheduled Tribe certificate to him, on the basis of the Cultural Report on "Kurumans" sent by respondent No.2 vide his letter dated 18.02.2015 to respondent No.1 within a reasonable time as may be determined by this Court.

For Petitioner : Mr.M.Radhakrishnan

For Respondents : Mr.S.Babu, Government Advocate

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner and the Learned Government Advocate for the Respondents.

2.According to the Petitioner, he belong to Kurumans Community, which is a Scheduled Tribe. It is the specific case of the Petitioner that an application on 16.02.2017 to the 1st Respondent (Sub Collector, Tirupattur, Vellore District) seeking for issuance of a community certificate to him to the effect that he belongs to 'Kurumans Community (Scheduled Tribe) '.

3.At this juncture, the Learned Counsel for the Petitioner submits that the 1st Respondent viz., the Sub Collector, Tirupattur, Vellore District should have commenced an enquiry in regard to the community status of the Petitioner

on receipt of his application so as to complete the process of an enquiry within a reasonable time.

4.The main grievance of the Petitioner appears to be that the 1st Respondent till date has not yet commenced an enquiry into the community status of the Petitioner. In this connection, the Learned Counsel for the Petitioner seeks in aid of the Division Bench order passed by this Court in W.P.No.21817 of 2015 dated 22.07.2015 between K.Shanmugapriya V. The Revenue Divisional Officer, Dharmapuri, Dharmapuri District and another [in which M.Venugopal, J. was a Member], whereby and whereunder, at paragraphs 6 & 7, it is, inter alia, observed as under:

"6.In the case on hand, concededly, the first respondent has addressed a letter to the Tahsildar to conduct an enquiry as to the community status of the petitioner. But, till date, as pleaded by the learned counsel for the petitioner, the petitioner has not received any communication in respect of submission of the report.

7.Such being the fact situation, the first respondent is directed to examine the entire issue at the earliest, keeping in mind, the decision of the Supreme Court in Kumari Madhurai Patil (supra) and the Cultural Report on Kurumans sent by the second respondent to the first respondent, vide his letter dated 18th February, 2015 and all other relevant documents and factors before passing the appropriate orders on merits and in accordance with law. Such an exercise shall be carried out within a period of two weeks from the date of receipt of a copy of this order."

5.Added further, the Learned Counsel for the Petitioner succinctly informs this Court that the subject matter in issue in the present Writ Petition is squarely covered by the Division Bench Order of this Court in W.P.No.21817 of 2015 dated 22.07.2015.

6.However, the said factum of the subject matter in the Writ Petition, being covered by the order of this Court in W.P.No.21817 of 2015 dated 22.07.2015, is not disputed by the Learned Government Advocate appearing for the Respondents.

7.In view of the above, considering the limited relief sought for by the Petitioner in the present Writ Petition, this Court, simpliciter, directs the 1st Respondent viz., the Sub Collector, Tirupattur, Vellore District to conduct the enquiry into the community status of the Petitioner, with special reference to the anthropological and ethnological traits of Kurumans' Scheduled Tribe, which are mentioned in

the Cultural Report on 'Kurumans' dated 18.02.2015 sent by the 2nd Respondent viz., the Director of Tribal Welfare, Chennai, the 1st Respondent viz., the Sub Collector, Tirupattur, Vellore District, within a period of eight weeks from the date of receipt of copy of this order and to pass a reasoned speaking order on merits, of course, in a Just, Fair, unbiased with an open mind and in a dispassionate manner and in the manner known to Law and in accordance with Law. The 1st Respondent, while passing the necessary orders in the subject matter in issue, is to provide an adequate opportunity to the Petitioner, by adhering to the Principles of Natural Justice.

With the aforesaid direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Sgl
To

1.The Sub Collector,
Tirupattur,
Vellore District 635 601

2.The Director of Tribal Welfare,
Chennai - 600 005.

+ 1 cc to Mr. Radhakrishnan, Advocate SR.50462
+ 1 cc to Government Pleader Sr.50134

सत्यमेव जयते

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