

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2017

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.1631 of 2017

and

W.M.P.No.1594 of 2017

V.Manickam

...Petitioner

Vs

1. Union of India,
rep. by the Director,
Ministry of Tribal Affairs,
Government of India,
Shastri Bhawan,
New Delhi - 110 001.
2. State of Tamil Nadu,
rep. by the Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai-600 009.
3. Mr.P.Annamalai, I.A.S.,
Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai-600 009.
- 4.The Director of Tribal Welfare,
Chennai-600 005.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records in the order bearing Letter No.13194/CV1/2007-30 dated 29.12.2016 passed by respondent No.2 and quashing the same and further directing respondent No.1 to consider the proposal of respondent No.2 sent vide Letter No.13194/CV1/2007-22, dated 19.7.2014 in accordance with law.

For Petitioner : Mr.M.Radhakrishnan
For Respondents : Mr.S.Arockiam for R1
Mr.M.K.Subramanian
Government Pleader for
R2 to R4

ORDER

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

The long drawn out controversy pertains to the issue as to whether the persons falling under the caste of Kurumba and Kurumbar are actually Kurumans, who are in the list of the Scheduled Tribes. The deciding authority is the Central Government.

2. On 19.7.2014, a letter was addressed by the Adi Dravidar and Tribal Welfare Department of the Government of Tamil Nadu making a request to the Central Government to take appropriate steps for inclusion of Kuruma, Kuruman, Kurumba, Kuruman Goundar, Kurumban and Kurumbar as synonym names of "Kurumans". The matter, thereafter, was still pending. The petitioner filed W.P.No.25053 of 2016 making a grievance that the Central Government had addressed a letter dated 30.10.2015 inter alia requesting the State Government to send any additional information/justification on the observation of the Registrar General of India in respect of the aforesaid subject and only on receipt of additional information, would the matter be processed. The Director of Tribal Welfare, who is the concerned officer was present and stated that additional information, if any, would be sent within a period of two months from the date of the order, which was on 11.08.2016.

3. In pursuance to the said order, the Director of Tribal Welfare Department addressed a communication to the Principal Secretary of Adi Dravidar and Tribal Welfare dated 18.11.2016 to the effect that there was no additional material other than what was already available and submitted. Thereafter, the Principal Secretary of Adi Dravidar and Tribal Welfare addressed a letter to the Ministry of Tribal Affairs, Government of India dated 29.12.2016, which is impugned in the present petition.

4. The grievance of the petitioner is limited to the extent that in paragraph 3, the last sentence is to the effect that "they are not the synonyms of Kurumans". It is his submission that this sentence runs contrary to the earlier recommendation made and more importantly, the Principal Secretary of the State Government is not the deciding authority. But the decision has to be taken on the materials submitted by the Experts in the

Tribal Welfare Department of the Central Government. The petitioner verily believes that this kind of a finding may prejudice the ultimate finding to be arrived at by the concerned authority and that is the reason, the petitioner has approached the Court.

5. We have heard the learned counsel for parties. We are of the view that the matter can be sorted out by directing the first respondent/concerned authority to ignore the last sentence extracted aforesaid in consideration of the materials, so that an independent analysis can be made on the basis of the materials already supplied.

6. The writ petition, accordingly, stands disposed of. No costs. The Central Government may now consider the matter expeditiously. Consequently, W.M.P.No.1594 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
Ministry of Tribal Affairs,
Government of India,
Shastri Bhawan,
New Delhi - 110 001.
2. The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai-600 009.
- 4.The Director of Tribal Welfare,
Chennai-600 005.

+1cc to Mr.Radhakrishnan, Advocate, S.R.No.4518
+1cc to Mr.Arockiam, Advocate, S.R.No.4123
+1cc to the Government Pleader, S.R.No.4288

PA(CO)
RS(25/01/2017)

W.P.No.1631 of 2017