

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.07.2017

Coram

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

W.P. Nos. 6802 & 6803 of 2011

M/s.Tamil Nadu Lambadikal Munnetra Sankam,
Rep by its President G.Ravi,
No.84, M.G.R. Nagar, Chengam,
Thiruvannamalai District.

..Petitioner in W.P.No.6802/2011

M/s.Thanda Pazhangudi Lambadikal Nala Peravai
(PLNP) Rep by its President,
K.R.Ramamoorthy,
No.10/7B, Salem Main Road,
Thanipadi, Thiruvannamalai District.

..Petitioner in W.P.No.6803/2011

Vs.

1. The Secretary to Government,
Adi Dravidar Welfare, Government of Tamil Nadu,
Fort St. George, Chennai - 9.

2. The Director,
Tribal Welfare, Chepauk, Chennai.

3. The District Collector,
Collectorate, Thiruvannamalai,
Thiruvannamalai District.

.. 1to 3 Respondents in
W.P.Nos.6802 & 6803/2011

4. The Secretary /Commissioner,
Commission for Schedule Castes and
Schedule Tribes, Ministry of Welfare,
Floor V, Loknayak Bhavan,
New Delhi - 110 003.

[R4-Impleaded as per order dt.9.6.11
by DMJ & KKSJ in M.P.No.1 of 2011
in W.P.No.6802 of 2011]

.. 4th Respondent
in W.P.No.6802/2011

Prayers in both Wps : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to declare the Lambadi Community people living in the region of Tamil Nadu as a Schedule Tribe and enlist them in the Schedule Tribe category for the benefit of communal reservation provided under the Constitution of India.

For Petitioners : Mr.U.Karunakaran
(in both Wps)
For Respondents : Mr.Mr.K.Venkataramani,
(in both Wps) Additional Advocate General
Assisted by Mr.Elumalai (For R1-R3)
Government Advocate

For Respondent : Mr.Madhana Gopal Rao (For R4)
(in W.P.No.6802/2011)

C O M M O N O R D E R

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

It is represented, on behalf of the Respondents 1 and 2, that a Commission has been set up vide a Gazette Notification dated 14.03.2005 [Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment)] and the Commission's term originally expires on 11.02.2017. On going through the contents of S.O.463(E) dated 12.02.2014, it is brought to the notice on behalf of Respondents 1 and 2 that the Commission was directed to submit its Report within three years from the date of appointment of the Chairman. In this regard, it is projected on the side of Respondents 1 and 2 that the Commission's term is extended upto the year of 2018 and that Commission is presently doing its work in this regard.

2.In view of the fact that the Commission has seized of the matter and is yet to submit its Report, this Court is of the considered view that the relief sought for by the Petitioner in the present Writ Petition cannot be acceded to by this Court. However, this Court opines that the Petitioner has to work out his remedy before the Commission by approaching it, if he so desires, of course, in the manner known to Law and in accordance with Law.

3.Since nothing survives for adjudication in the present Writ Petition, in view of the Commission's time is extended till the year 2018, this Court closes the Writ Petition, granting liberty to the Petitioner to approach the Commission

within a period of two weeks from the date of receipt of copy of this order. If the Petitioner approaches the Commission within the period adumbrated by this Court, then, the Commission shall take note of the representation if any to be submitted by the Petitioner and to act as it deems fit and proper, based on the facts and circumstances of the case which float on the surface. No costs.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

may

To

1. The Secretary to Government,
Adi Dravidar Welfare, Government of Tamil Nadu,
Fort St. George, Chennai - 9.
2. The Director,
Tribal Welfare, Chepauk, Chennai.
3. The District Collector,
Collectorate, Thiruvannamalai,
Thiruvannamalai District.
4. The Secretary /Commissioner,
Commission for Schedule Castes and
Schedule Tribes, Ministry of Welfare,
Floor V, Loknayak Bhavan,
New Delhi - 110 003.

+1 CC to Mr.J. Madanagopal, advocate sr 54439.
+1 CC to Govt. Pleader sr 85670

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AK(CO)
sp(22/09/2017)