

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.6145 of 2016

S.Murali

... Petitioner

Vs.

1.The District Collector,
Thiruvannamalai.

2.The Tahsildar,
Thiruvannamalai.

3.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Chennai.

...
Respondents

(R3 suo motu impleaded as per order dated
14.03.2017 by KKSJ & MVMJ in W.P.No.6145/2016)

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, praying for a Writ of mandamus, to direct
the 2nd respondent to issue "Adi Dravida Bunt Community
Certificate" to the petitioner's minor son, Minor M.Thirumaran.

For Petitioner : Mr.R.Vijayakumar

For Respondents : Mr.K.Venkatramani,
Additional Advocate General
Assisted by
Mr.K.Dhananjayan,
Spl.Govt.Pleader

O R D E R

K.K.SASIDHARAN, J.

The petitioner submitted application before the Tahsildar,
Thiruvannamalai, to issue "Adi Dravida Bunt" Community
Certificate to his minor son by name Thiru.M.Thirumaran. Since
follow up action was not taken by the jurisdictional Tahsildar,
the petitioner has come up with this writ petition.

2. When this writ petition came up for hearing on an earlier occasion, the learned Additional Advocate General submitted that the issue requires consideration by the District Collector, in view of the fact that several people have obtained false community certificates indicating that they belong to Adi Dravida Bunt community. Because of the said submission, we have passed the following order on 14 March, 2017:-

"The learned Additional Advocate General, by placing reliance on the proposal sent by the District Collector, Tiruvannamalai, dated 19 July 2011 submitted that the Secretary is yet to constitute a Committee to look into the community status of the petitioner and other similarly situated persons, who belong to "Bunt" community.

2. The proposal dated 19 July 2011 indicates that the Department earlier issued as many as 336 certificates. Subsequently, based on the report, the Tahsildar raised a doubt as to whether all these persons really belong to "Bunt" Community.

3. The inaction on the part of the Secretary, Adi Dravidar and Tribal Welfare Department, contributed for the delay in the matter. We therefore suo motu implead the Secretary to Government, Adi Dravidar and Tribal Welfare Department, Chennai as party to the writ petition.

4. Let the Secretary, Adi Dravidar and Tribal Welfare Department, appear in person before us along with relevant file on 23 March 2017 at 10.30 a.m.

5. The learned Additional Advocate General, who is present in Court is directed to intimate this order to the Secretary, Adi Dravidar and Tribal Welfare Department to ensure his presence on 23 March 2017.

6. Post on 16 March 2017. Print the name of Mr.A.Kumar, learned Special Government Pleader, for the impleaded third respondent."

3. When the writ petition was taken up for consideration today, the learned Additional Advocate General on instructions submitted that the District Collector, Tiruvannamalai, received the proceedings from the Adi Dravidar and Tribal Welfare Department. According to the learned Additional Advocate General, the District Collector will look into the entire issue

and would take a decision, within a period of eight weeks. According to the learned Additional Advocate General, the question of issuance of community certificate to the minor son of the petitioner would be decided thereafter by the Tahsildar, taking into consideration the proceedings of the District Collector after conclusion of the enquiry.

4. The District Collector, Tiruvannamalai, is directed to conclude the proceedings relating to the enquiry initiated by him with respect to the community status "Adi Dravida Bunt", claimed by the petitioner and others and conclude the same within a period of eight weeks from today.

5. The Tahsildar, Tiruvannamalai, is directed to dispose of the application submitted by the petitioner for community certificate within a period of four weeks from the date of conclusion of the proceedings initiated by the District Collector.

6. The learned counsel for the petitioner contended that the report of the anthropologist has not been given to the petitioner. We make it clear that in case there are reports adverse to the petitioner, the same shall be furnished so as to enable him to offer his comments.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

svki

To

1. The District Collector,
Tiruvannamalai.

2. The Tahsildar,
Tiruvannamalai.

3. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Chennai.

+1cc to Mr.P.Vasanth, Advocate SR.No.20296

+1cc to Government Pleader SR.No.20571

W.P.No.6145 of 2016

MG(CO)

GN(20/04/2017)