

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.Nos.9649 to 9652 of 2016

S. Vinothini ... Petitioner in W.P.No.9649/2016
C.Kasi ... Petitioner in W.P.No.9650/2016
V.Sasikala ... Petitioner in W.P.No.9651/2016
S.Kannan ... Petitioner in W.P.No.9652/2016

Vs.

1. Union of India,
Repd. by its Secretary,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi - 110 001.
2. Union of India,
Repd. by its Secretary,
Ministry of Tribal Affairs (C & LM-1 Division),
Shastri Bhavan, New Delhi - 110 001.
3. The Chairman,
National Commission for Schedule Tribes,
6th Floor, B Wing Lok Nayak Bhavan,
Khan market, New Delhi - 110 003.
4. The Chief Secretary,
Puducherry. ... Respondents in all WPs
(R4 cause title amended as per order dated
23.3.2016 by SKAJ & MVJ in WMP Nos.9308
to 9311/2016)

PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 and 2 to take steps to issue Presidential Notification specifying Kattunayakan, Kurumans, Malaikuravan/Malakuravan and Yerukula Community respectively, in the Union Territory of Puducherry under Article 342(1) of the Constitution of India as Scheduled Tribe Community.

For Petitioners : Mr.S.Doraisamy

For Respondents : Mr.Su.Srinivasan, Asst. Solicitor
General
for R1 to R3
Mr.C.T.Ramesh,
Additional Government Pleader (P)
for R4

C O M M O N O R D E R

K.K.SASIDHARAN, J.

The petitioners filed the writ petitions for issuance of a writ of mandamus, directing the respondents 1 and 2 to take steps to issue a Presidential Notification, specifying Kattunayakan, Kurumans, Malaikuravan / Malakuruvan and Yerukala Communities as Scheduled Tribe in the Union Territory of Puducherry invoking Article 342(1) of the Constitution of India.

2. The counter affidavit filed by the Director, Ministry of Tribal Affairs, Government of India, indicates that the Government of Union Territory of Puducherry vide letter dated 4 July 2006 made a request to the Government of India to include the above referred communities as Scheduled Tribes. Thereafter, the Government of Puducherry, vide letter dated 18 February 2008 made a further request along with a fresh proposal.

3. The Government of Puducherry, vide letter dated 19 January 2012 furnished the ethnographic report and recommended for identification of Irular, Kattunayakan, Malaikuravan, Yerukkula and Kuruman as Scheduled Tribes in the Union Territory of Puducherry. The proposal was referred to the Registrar General of India vide letter dated 5 March 2012. The Registrar General did not support for identification of Kattunayakan, Malakkuravan, Yerukula and Kurumans as Scheduled Tribes in the Union Territory of Puducherry. The observations made by the Registrar General of India have been referred to the Government of Puducherry for its comments. The attention of the Government of Puducherry was cited vide letters dated 07.10.2013, 02.12.2014, 22.4.2015 and 05.4.2016. According to the Ministry, response was not received from the Government of Puducherry, in spite of the string of letters.

4. The Director, Adi Dravidar Welfare Department, Puducherry, filed a status report indicating that the Union Territory Administration has strongly recommended for declaration of "Kattunayakan, Kurumans, Malaikuravan and Yerukula" communities as Scheduled Tribes. The recommendation

was made pursuant to the meeting convened by the Hon'ble Ministry for Welfare, Puducherry dated 26 July, 2016.

5. The writ petitions are filed only to direct the Ministry of Home Affairs and Ministry of Tribal Affairs to issue Presidential Notification specifying "Kattunayakan, Kurumans, Malaikuravan and Yerukula" Communities as Scheduled Tribes. The Government of Puducherry has already sent a recommendation to the Government of India vide proceedings dated 24 January, 2017. It is for the first respondent to take a decision in the matter in accordance with law.

6. The respondents 1 and 2 are directed to consider the recommendation made by the Government of Puducherry, vide proceedings, dated 24 January 2017 and take a decision in the matter in accordance with law. Such exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

7. The writ petitions are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1. The Secretary,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi - 110 001.
2. The Secretary,
Ministry of Tribal Affairs (C & LM-1 Division),
Shastri Bhavan, New Delhi - 110 001.
3. The Chairman,
National Commission for Schedule Tribes,
6th Floor, B wing Lok Nayak Bhavan,
Khan market, New Delhi - 110 003.

4. The Chief Secretary,
Chief Secretariat,
Goubert Avenue,
Union Territory of Puducherry,
Puducherry - 605 001.

+1cc to Mr.Srinivasan, Advocate, S.R.No.18954
+1cc to Mr.S.Duraisamy, Advocate, S.R.No.19133
+1cc to the Government Pleader, S.R.No.19047

W.P.Nos.9649 to 9652 of 2016

RSI (CO)
RS (09/05/2017)



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