



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :02.08.2018
CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH
W.P. (MD) No.22390 of 2017

WEB COPY

N.Subbiah

: Petitioner

Vs.

The Special Tahsildar,
Adi Dravidar Welfare Department (Unit 1)
Dindigul West Taluk Office,
Dindigul 624 001.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to issue Adi Dravidar Schedule Tribe Welfare Card to the petitioner and also in pursuance of his representation dated 03.08.2008.

For Petitioner : Mr.N.Shunmugavel
For Respondent : Mr.J.Gunaseelanmuthiah
Additional Government Pleader

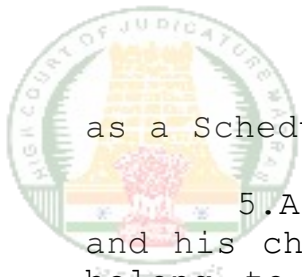
ORDER

The petitioner has come forward with this Writ Petition seeking for issuance of a Writ of Mandamus directing the respondent to issue Adi Dravidar Schedule Tribe Welfare Card to him, in pursuance of his representation dated 03.08.2008.

2. Heard Mr.N.Shunmugavel, learned counsel appearing for the petitioner and Mr.J.Gunaseelanmuthiah, learned Additional Government Pleader appearing for the respondent.

3. The petitioner herein, who claims to have born on 20.09.1943, was aged about 65 years, when he applied for Adi Dravidar Scheduled Tribe Welfare Card on 03.08.2008. Along with his application, he had also made a requisition for issuance of Welfare Card for his two daughters namely, Sakthi and Parasakthi. Since the application was kept pending without consideration, the present writ petition has been filed for the relief stated supra. Pending the writ petition, the respondents had rejected the petitioner's application on 15.03.2017.

4. According to the learned counsel for the petitioner, as per the Tamil Nadu Scheduled Tribe Welfare Rules, the petitioner is entitled for various reliefs. The only criteria for such entitlement is that the applicant should be aged between 18 and 65 years and that he must belongs to a community, which is recognized



as a Scheduled Tribe Community.

5. A perusal of the community certificates of the petitioner and his children, it is seen that the petitioner and his children belong to Hindu "Kattunayakan" community, which is recognized as a Scheduled Tribe Community. The petitioner has also made the application on 03.08.2008, at which point of time, he was less than 65 years. Pending the writ petition, when the respondent had chosen to reject the petitioner application, one of the grounds raised is that he had crossed the age of 65 years.

6. I am not in an agreement with such a submission. When the petitioner had made an application in the year 2008, he was aged below 65 years and hence, he was entitled for the Welfare Card at that point of time. Just because the respondent had chosen to dispose of the application in the year 2018, it cannot be said that he is not entitled for issuance of the Card on the ground that he crossed the age of 65 years. It is also the submission of the learned counsel for the petitioner that though the children of the petitioner are between age of 18 to 65 years, they have also not been provided with the Welfare Card till date.

7. The learned Additional Government Pleader, on instructions, submitted that the process of considering the application for issuance of a Welfare Card is going on and if the petitioner is directed to produce the relevant documents before the respondent herein, the same would be considered.

8. In the light of the observations, the petitioner is granted liberty to approach the respondent herein along with a copy of the application on 03.08.2008 and also along with the original community certificates and on receipt of such application, the respondent shall process the same favourably and issue the Welfare Card to the petitioner. The respondent shall also consider for issuance of the Welfare Card to the children of the petitioner's, namely, Sakthi and Parasakthi, who had also made an application on 10.11.2008. Such a process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

9. With the above observations, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/



To

The Special Tahsildar,
Adi Dravidar Welfare Department (Unit 1)
Dindigul West Taluk Office,
Dindigul 624 001.

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.77045
Sji
MK/RP/SAR 1/06.09.2018/3P/3C

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02.08.2018