

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-06-2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No. 8383 of 2017

Kurumans Tribal People Welfare Association
Pudukottai District
Regd.No.60 of 2016
T.S. No.6952/71A, Venkateswara Complex
Grates Taylor, Museum Corner
Tirukokarnam Post
Pudukottai District
rep. by its President K. Palanisamy ... Petitioner

Versus

1. The Principal Secretary
Adi-Dravidar and Tribal Welfare Department
St. George Fort
Chennai - 600 009
2. The Director
Directorate of Tribal Welfare
Chennai - 600 005
3. The District Collector
Pudukottai District
4. The Director
Tribal Research Centre
M. Palada, Ooty
5. The Revenue Divisional Officer
Pudukottai
6. The Revenue Divisional Officer
Ilupur, Pudukottai District

... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 2 to 4 for submitting anthropological report of the petitioners Kurumans community based on the first respondent letter dated 24.01.2017.

For Petitioner : Mr. M. Ravi

For Respondents : Mr. V. Shanmuga Sundar
Special Government Pleader

ORDER

(Order of the Court was made by R. SUBBIAH, J)

The petitioner Association has come forward with this writ petition praying to issue a Mandamus directing the respondents 2 to 4 for submitting anthropological report of the members of the petitioners who belong to Kurumans community, based on the first respondent letter dated 24.01.2017.

2. The learned counsel for the petitioner would submit that due to the delay in issuing community certificate to the members of the petitioner's association, prejudice is caused. According to the counsel for the petitioner, inspite of furnishing specific proof as regards the community to which the members of the petitioner's association belong to, the respondents, under the guise of causing enquiry are prolonging the issuance of community certificate. In fact, one of the members of the petitioner Association by name Kumaresan had submitted a representation dated 20.12.2016 seeking to issue community certificate him. He has also enclosed documentary proof along with his representation. Even though the first respondent forwarded the copy of the representation dated 20.12.2016 of the above said Kumaresan to the Revenue Divisional Officer, Pudukottai for conducting an enquiry and to submit a report, till date, no enquiry has been conducted. In the above circumstances, the petitioner association has come up with this writ petition to direct the respondents 2 to 4 to submit the anthropological report upon conclusion of the enquiry conducted so as to enable the members of the petitioner association, who belong to Kurumans community, to get the community certificate at the earliest.

3. On the contrary, the learned Special Government Pleader appearing for the respondents would contend that the writ petition filed by the petitioner association is not maintainable. Having regard to the nature of relief sought for in this writ petition, it is for the individual members to approach this Court, if they have any grievance to be ventilated and the association cannot maintain this writ petition on behalf of it's members. The learned Special Government Pleader appearing for the respondents therefore prayed for dismissal of this writ petition.

4. We have heard the counsel for both sides and perused the material records placed. Upon perusal of the relief sought

for by the petitioner association in this writ petition, we are of the view that if the members of the petitioner association are in any manner aggrieved by non-issuance of the community certificate in his or her favour, it is for the individual members to approach this Court and the association cannot maintain this writ petition. In this context, we are fortified by the decision of the Division Bench of this Court in (Formation of Indian Network Marketing Association, rep. By its President vs. M/s. Apple FMCG Marketing Pvt Ltd., rep. By its Chief Executive Officer and others) reported in (2005) Writ Law Reporter 321 wherein it was held as follows:-

"5. In our opinion, this writ appeal is not maintainable as the appellant cannot have any personal grievance in the matter, and at best only its members can have any grievance.

6. It is well settled that ordinarily a writ petition or writ appeal can only be filed by someone who is personally aggrieved.

5. Therefore, we hold that the writ petition filed by the petitioner Association is not maintainable and accordingly, the writ petition is dismissed as devoid of merits. No costs.

Sd/-

Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary
Adi-Dravidar and Tribal Welfare Department
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Chennai - 600 009
2. The Director
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6. The Revenue Divisional Officer
Ilupur, Pudukottai District.

+1cc to Mr. M. Ravi, Advocate SR.52746

WP No. 8383 of 2017

SJ(CO)
CB(14/10/2019)



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