

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

W.P.Nos. 33126 & 33132 of 2019

R.Hemalnathan ... Petitioner in
W.P.No.33126 of 2019

R.Kamalakannan ... Petitioner in
W.P.No.33132 of 2019

-vs-

The Revenue Divisional Officer/Sub Collector,
Tindivanam,
Villupuram District. ... Respondent
in both WPs

Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to conduct the enquiry along with the Head of the Anthropology Dept. School of Social Sciences, University of Madras, Chepauk, Chennai - 600 005/Anthropologist, who has intimate knowledge in identifying the tribes in respect of the Scheduled Tribe Communities of Tamil Nadu as held by the Hon'ble Apex Court in 1994 SCC (6) 241 and (2012) 1 SCC 113 and also in the light of the enquiry conducted by the RDOs with the Anthropologist in respect of Villupuram, Tindivanam and Chengalpet Districts and issue the community certificates to the petitioners and their children namely H.Rikash and H.Kumari Sri and K.Deepika and K.Yuvanesh based on the petitioners' Applications dated 06.04.2019 and 31.08.2019 within a stipulated time.

For Petitioner .. Mr.N.Naganathan
in both W.Ps

For Respondent .. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader
in both W.Ps

COMMON ORDER

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

As both the writ petitions are pertaining to the same issue, having been filed by the brothers seeking community certificate from the respondent, they are disposed of by way of a common order.

2.The petitioners made applications on 06.04.2019 and 31.08.2019 respectively seeking issuance of community certificate. As the same are still kept pending, the present writ petitions have been filed for a direction to the respondent to conduct an enquiry along with the Head of Anthropology Department.

3.We are not inclined to pass a positive order as sought by the petitioners. The respondent is duty bound to keep in mind the mandate of the Apex Court. Suffice it to state that the respondent is directed to take appropriate steps on the applications of the petitioners by conducting due enquiry while satisfying on the community to which the petitioners belong and thereafter take appropriate decision in accordance with law. Appropriate decision will have to be taken within a period of eight weeks from the date of receipt of a copy of this order.

4.With the above direction, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Revenue Divisional Officer/Sub Collector,
Tindivanam,
Villupuram District.

+2cc to Mr.N.Naganathan, Advocate Sr.No.99253
+1cc to The Government Pleader Sr.No.99942

AKM/09.01.2020 /2P-5C/

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