

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.1822 of 2020

V.Kandhan

... Petitioner

Vs

The Revenue Divisional Officer,
Kallakurichi,
Kallkurichi District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying 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 Supreme Court Cases 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 petitioner and his children's namely K.Muthusamy, K.Pannerselvam and K.Bharathi based on the petitioner's Application dated 13.05.2019 within a stipulated time.

For Petitioner : Mr.N.Naganathan

For Respondent : Mr.E.Balamurugan,
Special Government Pleader

O R D E R

[Order of this Court was made by R.SUBBIAH, J.]

The writ petition has been filed for Mandamus directing the respondent to conduct the enquiry along with the Head of the Anthropology Department, School of Social Sciences, University of Madras, Chepauk, Chennai-600 005/Anthropologist, who has intimated 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 Supreme Court Cases 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 petitioner and his children namely, K.Muthusamy, K.Pannerselvam and K.Bharathi based on the petitioner's Application dated 13.05.2019 within a stipulated time.

2.In the affidavit filed in support of the writ petition, it is averred that the petitioner has applied for issuance of Community Certificates to him as well as to his children namely, K.Muthusamy, K.Pannerselvam and K.Bharathi before the respondent herein during March 2018 along with relevant documents. Since the same have not been considered so far, the petitioner has come forward with this petition.

3.In a similar circumstance, the Division Bench of this Court has passed the common order dated 28.11.2019, which reads as follows:

'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.Since the learned counsel for the petitioner prays for a similar direction, the same could be granted. Therefore, the respondent is directed to conduct due enquiry by keeping in mind the mandate of the Hon'ble Apex Court and by affording an opportunity of personal hearing to the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5.It is made clear that this Court has not expressed anything on merits or demerits of the claim made by both sides.

6.With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vga

To

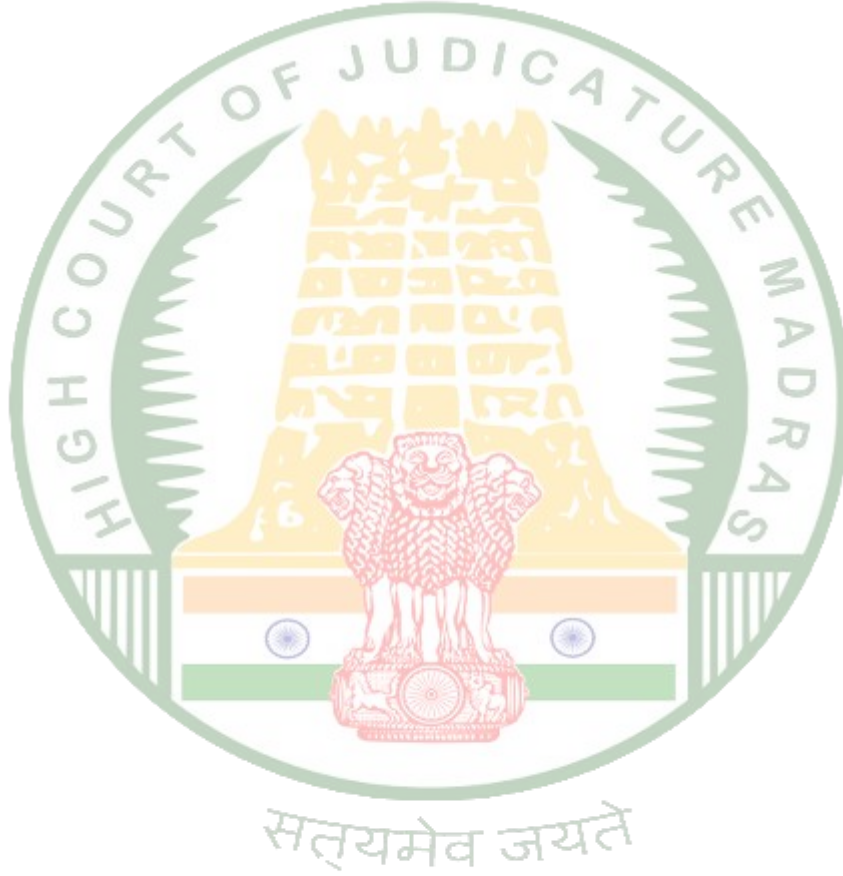
The Revenue Divisional Officer,
Kallakurichi,
Kallkurichi District.

+1cc to Mr.N.Naganathan , Advocate SR.No. 11870

+1 cc to Government Pleader Sr.No. 12432

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A.SK(18/02/2020)



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