

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.10035 of 2017

Tamil Nadu Scheduled Tribe (Malayali) Peravai,
(Regd No.307/93)
Rep. by its President,
V.Marimuthu,
Having office at No.15, 2nd Street,
Kambar Nagar, Chennai - 600 082. Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Chief Secretary to Government,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 3.The Director,
Tribal Welfare Department,
Chepauk, Chennai - 600 005. Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of mandamus directing the third respondent to consider the representations dated 06.10.2015 and 22.12.2016 of the petitioner on merits and to submit a detailed proposal to the 1st and respondent on the basis of the above representations for facilitating the implementation of the 5th Schedule of the Constitution of India including the declaration of the scheduled areas in the State of Tamil Nadu by issuance of notification of the Scheduled areas in the State of Tamil Nadu in accordance with law.

For Petitioner : Ms.C.Uma

For Respondents : Mr.G.K.Muthukumar, Spl GP

ORDER

(Order of the Court was made by M.M.SUNDRESH,J)

This public interest litigation has been filed seeking appropriate direction to the third respondent to facilitate the implementation of the V Schedule of the Constitution of India including the declaration of areas in the State of Tamil Nadu by issuing appropriate notification of the Scheduled areas.

2. A detailed counter affidavit has been filed by the third respondent on behalf of respondents 1 and 2 in this regard. It has been stated that the total population of the Scheduled Tribes in the State as per 2011 census is 7.94 lakhs representing 1.10% of the total population which is 721 Lakhs. There are 36 sub-groups of Tribes available in the State.

3. The affidavit also gives particulars of the tribal population in each District. Schemes have been formulated and being implemented for their development. The Government of India is also funding sufficient amount for the aforesaid purpose. There is also an Act in force, by name, Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 enacted by the Government of India. Therefore, the rights of the Scheduled Tribes and Traditional Forest Dwellers residing in the forests prior to 13.12.2005 are accordingly protected. Therefore, it has been stated that there is no need for declaration of Scheduled areas in the tribal areas.

4. In the light of the above, we do not find any reason to allow this writ petition. No Writ of Mandamus can be issued insisting the respondents to issue such a notification especially when the adequate measures are already in place.

Accordingly, the writ petition stands closed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

ssm

To

- 1.The Chief Secretary to Government,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 3.The Director,
Tribal Welfare Department,
Chepauk, Chennai - 600 005.

+1cc to .Ms.C.Uma, Advocate SR.No.23114

+1cc to Government Pleader SR.No.23682

W.P.No.10035 of 2017

GMV (11/06/2020)

सत्यमेव जयते

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