

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 05.02.2021
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN
WP.No.2427/2021

K.Thangadurai

.. Petitioner

Versus

The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

.. Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to appoint and conduct the enquiry with the Head of the Anthropology Department, School of Social Sciences, University of Madras, Chepauk, Chennai 600 005 or Anthropologist, who has intimate knowledge in identifying the tribes in respect of the scheduled Tribed communities of Tamil Nadu and after receipt of Anthropologist and Revenue officials reports, directing the respondents to consider and pass orders on his application dated 26.04.2019 within a stipulated time and pass further or other orders as this Court may deem fit.

For Petitioner : Mr.N.Naganathan

For Respondent : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J. through video conferencing]

The petitioner is eking out his livelihood as a daily wage labourer and he claims that he belongs to Hindu Kattunaicken Scheduled Tribe Community. The petitioner submitted an application dated 26.04.2019 to the respondent for issuance of community certificate in favour of his two children, namely T.Ranjith and T.Ajith and despite a lapse of nearly one year and odd, the matter is still under enquiry stage and since he urgently requires the community certificate for educational purpose, came forward to file this Writ Petition for larger relief, in the light of the enormous time taken to conduct and conclude the enquiry, for the purpose of issuing Hindu Scheduled

Tribe Community Certificates.

2. The learned counsel appearing for the petitioner would submit that in order to avoid delay, it is better to conduct enquiry with the assistance of the Head of the Anthropology Department, School of Social Sciences, University of Madras, Chepauk, Chennai 600 005, as he is having an intimate knowledge in identifying the tribes in respect of the Scheduled Tribe Communities.

3. Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondent and would submit that the State Level Scrutiny Committee is also consisting of an expert members, who are well versed with the Statutes relating to the scheduled tribes and further points out that the petitioner has no locus standi to say anything about the constitution of the State Level Scrutiny Committee and prays for dismissal of this Writ Petition.

4. This Court has carefully considered the rival submissions and also perused the materials placed before it.

5. As rightly pointed out by the learned Additional Government Pleader, there is an expert member available in the State Level Scrutiny Committee to take a decision as to the Scheduled Tribe Community status and therefore, this Court cannot issue any positive direction to appoint the Head of the Anthropology Department, School of Social Sciences, University of Madras, Chepauk, Chennai 600 005, to do that function and of course, it may open to the Government to take a call in this regard. Be that as it may, a perusal of the typed set of documents would disclose that the respondent, vide communication dated 29.04.2019 in O.Mu.Aa7/2358/2019, requires the Revenue Tahsildar, Sankarapuram, to conduct enquiry and submit a report and despite a lapse of nearly one year and odd, no further steps appears to be taken.

6. This Court, taking note of the submission made by the learned counsel appearing for the petitioner as to the immediate requirement of obtaining the Community Certificate for his children for the purpose of their education, directs the Revenue Tahsildar, Sankarapuram, to act on the above said communication and submit his report, within a period of six weeks from the date of receipt of a copy of this order / uploading of the order in the website and upon receipt of the same, the respondent is directed to consider and dispose of the petitioner application dated 26.04.2019, for issuance of the Community Certificate for his children as expeditiously as possible, within a further period of six weeks thereafter and communicate the decision taken to the petitioner.

7. In the result, the Writ Petition stands disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/
Sub Asst. Registrar

sk

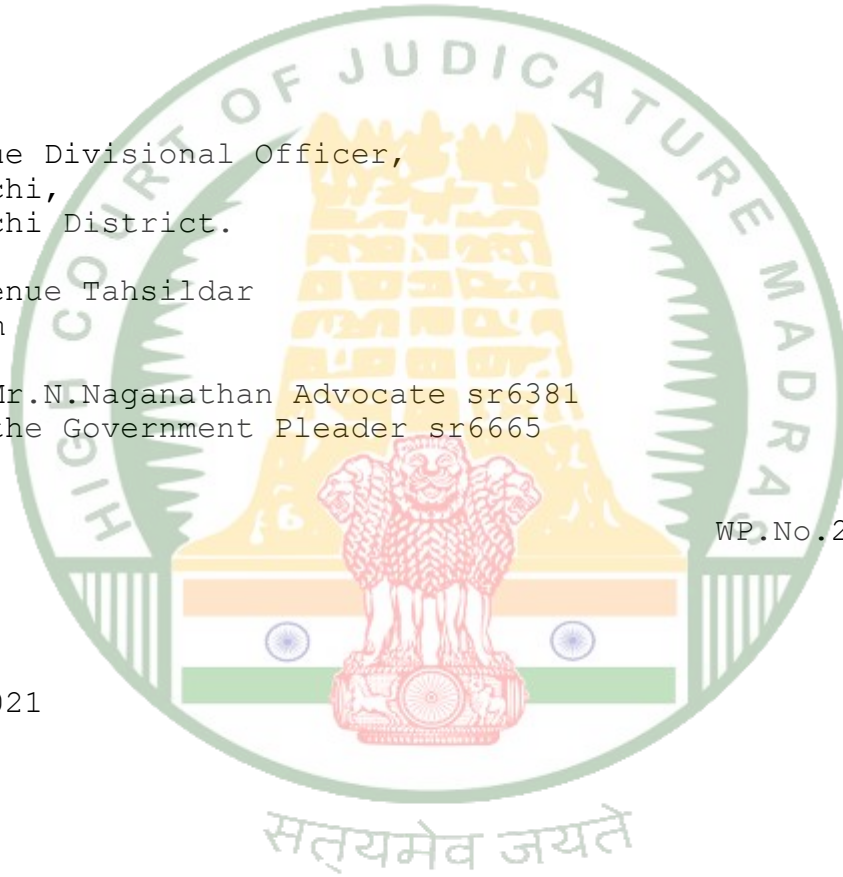
To
The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

2.The Revenue Tahsildar
Sankapuram

+1 cc to Mr.N.Naganathan Advocate sr6381
+1 cc to the Government Pleader sr6665

WP.No.2427 of 2021

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