



W.P.No.29229 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.29229 of 2022
and
W.M.P.No.28521 of 2022

R.Dhanapal

...Petitioner

Vs.

The Revenue Divisional Officer,
Attur, Salem District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 19.07.2022 made in application No.TN-5202207098774, Transaction Reference No.TNCIT00000000657221 on the file of the respondent to quash the same and consequently directing the respondent to issue community certificate to the petitioner son namely Minor D.Dharshan as “Hindu Malaikkuravan Scheduled Tribe Community”.



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For Petitioner : Mr.N.Naganathan
For Respondent : Mrs.C.Sangamithirai,
Special Government Pleader

ORDER

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

Mrs.C.Sangamithirai, learned Special Government Pleader takes notice for the respondent.

2. Considering the scope of the controversy and the materials placed before us, the writ petition is disposed of at the admission stage with the consent of the counsel for the parties.

3. The petitioner is aggrieved by the rejection of the claim for community certificate for his son Dharshan claiming that they belong to Scheduled Tribe community called Malaikkuravan.



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4. The petitioner applied, on-line, for the community certificate.

The same was rejected on the ground that there is no community called Malaikkuravan in the list of Scheduled Tribe communities in Tamil Nadu. This action is against the relevant Government Order. In G.O.Ms.No.1773 dated 23rd June 1984. The community viz., Malakkuravan has been listed as Scheduled Tribe community at item 23. Subsequently when the controversy arose as to whether Malakkuravan include Malaikkuravan also, the Director of Tribal Research Centre issued a clarification on 10.10.2018 which reads as follows:-

“ In Tamil Nadu, the Malakkuravan community is identified as Scheduled Tribe and include in the list of Schedule Tribes of Tamil Nadu (Serial No.23). The same spelling Malakkuravan community is also included as a Schedule Tribe in the list of Scheduled Tribe of Kerala (Serial No.23). As Tamil people never use the word “MALA”, but equivalent word, they use is MALAI. So Malakkuravan has become Malaikkuravan in Tamil Nadu, but in Kerala, they continued to be Mala and Malakkuravan. From the available ethnographic data of Malakkuraavan/ Malaikuravan Community



and from the filed observations, we come to the conclusion that the people in the Attur Revenue Division – Attur, Pethanaickenpalayam and Gangavalli belongs to Malakkuravan/ Malaikuravan Community.”

5. A Division Bench of this Court in W.P.No.2378 of 2022 by its order dated 10.06.2022 had taken note of the clarification and concluded that the Malaikkuravan and Malakkuravan are one and the same. Consequent upon the judgment of this Court, the State Government has also issued clarifications on 12.10.2022. Therefore, the rejection on the ground that this community is not shown as Scheduled Tribe Community in the list cannot be sustained.

6. Therefore, the writ petition is **allowed**. The impugned order is set aside. There will be a direction to the Revenue Divisional Officer, Attur to pass fresh orders adhering to the clarifications issued by the Government in letter dated 12.10.2022 and the judgment of the Division Bench of this Court in W.P.No.2378 of 2022. The said exercise shall be completed within



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a period of three (3) months from the date of receipt of a copy of the order.

No costs. Consequently, the connected writ miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
04.11.2022

dsa

Index :No
Internet :Yes
Speaking order

To:-

The Revenue Divisional Officer,
Attur, Salem District.



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