



W.P.Nos.32169 & 32173 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

CORAM:

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

W.P.Nos.32169 & 32173 of 2022

M.Sarathy ...Petitioner in W.P.No.32169 of 2022

N.Senthilkumar ...Petitioner in W.P.No.32173 of 2022

Vs.

The Revenue Divisional Officer,
Attur,
Salem District.

..Respondent in both WPs

Prayer in W.P.No.32169 of 2022: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 22.07.2022 made in application No.TN-520220710886, Transaction Reference No.TNCIT000000006574430 and consequential order Na.Ka.4717-2022-A3 dated 15.09.2022 on the file of the respondent, to quash the same and consequently directing the respondent to issue community certificate to the petitioner as “Hindu Malaikkuravan Schedule Tribe Community” on the basis of his grandfather community certificate No.1087478 issued by Sub-Collector Salem and his father community certificate No.2672915 dated



W.P.Nos.32169 & 32173 of 2022

05.05.1992 issued by RDO, Salem, the report submitted by the Director of Tribal Research Centre, Ooty, dated 10.10.2018 and final order passed by The Additional Secretary to Government has passed the final order in his Letter No.14744/Sa.Me-1/2012-1 dated 12.10.2022.

Prayer in W.P.No.32173 of 2022: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 22.07.2022 made in application No.TN-52022071313317, Transaction Reference No.TNCIT000000006613730 and consequential order Na.Ka.4702-2022-A3 dated 15.09.2022 on the file of the respondent to quash the same and consequently directing the respondent to issue community certificate to the petitioner daughter namely Minor S.Jamuna as “Hindu Malaikkuravan Schedule Tribe Community” on the basis of his mother's own brother M.Ravi community certificate No.2672912 issued by RDO, Salem, grandfather Mookan community certificate No.1087477 dated 22.10.1992 issued by Sub Collector, Salem, the report submitted by the Director of Tribal Research Centre, Ooty, dated 10.10.2018 and final order passed by the Additional Secretary to Government has passed the final order in his Letter No.14744/Sa.Me-1/2012-1 dated 12.10.2022.

For Petitioner in both WPs : Mr.N.Naganathan

For Respondent in both WPs : Mrs.C.Sangamithirai



W.P.Nos.32169 & 32173 of 2022

Special Government Pleader

COMMON ORDER

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

The issue in these Writ Petitions are directly covered by the order of the Division Bench in W.P.No.2378 of 2022 dated 10.06.2022 in **E.Kumar, General Secretary, Adi Palangudiyinar Nala Sangam Vs. The Principal Secretary to Government, Adi Dravidar and Tribal Welfare Department and others**

2. The Revenue Divisional Officer / respondent herein has rejected the claim of the petitioner for grant of community certificate for his son to the effect that he belongs to Hindu Malaikkuravan, a Scheduled Tribe Community on the ground that the name Malaikkuravan is not mentioned in the list of Scheduled Tribe communities.

3.This Court had taken note of the clarifications issued by the Government as well as the report of the Anthropologist, which goes to show



W.P.Nos.32169 & 32173 of 2022

that the community namely, Hindu Malaikkuravan exists in Salem District.

We have also followed the order of the said Division Bench in W.P.No.29229 of 2022 dated 04.11.2022.

4.In view of the above pronouncements, it is clear that the order of the original authority namely, the Revenue Divisional Officer cannot be sustained. Hence, the orders are set aside with a direction to the respondent to pass orders afresh, adhering to the clarifications issued to the Government in its letter dated 12.10.2022 and order of the Division Bench of this Court in W.P.No.2378 of 2022. Orders shall be passed within a period of 12 weeks from the date of receipt of a copy of this order.

5.These Writ Petitions are disposed of with the above directions.

No costs.

(R.S.M.,J.) (K.B.,J.)
01.12.2022

dsa

Internet: Yes/No

Index: Yes/No

4/6



W.P.Nos.32169 & 32173 of 2022

Speaking/Non-speaking order

WEB COPY

To:-

The Revenue Divisional Officer,
Attur,
Salem District.



WEB COPY



W.P.Nos.32169 & 32173 of 2022

R.SUBRAMANIAN, J.
and
K.KUMARESH BABU, J.

dsa

W.P.Nos.32169 & 32173 of 2022

01.12.2022