



W.P.No.7085 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2023

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.7085 of 2023

V.Shankar

.. Petitioner

Vs.

1.The District Collector
Vellore District.
Vellore – 632 009.

2.The Revenue Divisional Officer
Vellore District
Vellore – 632 001.

3.The Tahsildhar
Vellore Taluk
Vellore District
Vellore – 632 001.

4. The Director
Department of Tribal Welfare (Anthropology)
Uthagamandalam – 643 004.

.. Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus to quash the



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impugned order passed by the 2nd respondent in Application No.TN-5202212232986 for the petitioner's son Ragul and Application No.TN-5202212233052 for the petitioner's daughter Divina dated 21.02.2023 and direct the 2nd respondent to issue Scheduled Tribe (ST) Community Certificate to the petitioner's son Ragul and the petitioner's daughter Divina.

For Petitioner : Ms.Pooja
for Mr.A.Ramesh Manikandan
For R1 to R4 : Mr. E.Vijay Anand
Additional Government Pleader

ORDER

(Order of the Court delivered by V.LAKSHMINARAYANAN, J.)

The petitioner has come out with the present Writ Petition quashing the impugned order passed by the 2nd respondent in the applications dated 21.02.2023 and for a direction to the 2nd respondent to issue Scheduled Tribe (ST) Community Certificate to his son Ragul and daughter Divina.

2. The petitioner claims that he belongs to Hindu “Kurumans” Scheduled Tribe community as per the Presidential order. According to the petitioner, his father shifted from Tiruppathur to Vellore for the purpose of



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employment. He has two children by name Divina and Ragul. He applied for community certificate with the 3rd respondent for his daughter and son.

The 3rd respondent conducted an enquiry, but did not pass orders. The petitioner made a representation on 06.05.2013 for issuance of community certificate and no action was taken. The 3rd respondent recommended the 2nd respondent for issuance of community certificate. The 2nd respondent by an order dated 06.12.2021 recommended for issuance of Hindu “Kurumans” Scheduled Tribe community certificate to the petitioner's children.

3. We have gone through the impugned order and do not find any reasons for the same. The order merely says applications are rejected. No reasons have been given for rejection of the same. Reason is heart beat of an order, since this order lacks, it is liable to be set aside. Furthermore, no opportunity has been granted to the petitioner prior to the rejection of applications.

4. When the Writ Petition came up for hearing on 08.03.2023, this Court directed Mr.E.Vijay Anand, learned Additional Government Pleader



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to verify whether any detailed orders have been passed by the 2nd respondent and any opportunity has been granted to the petitioner. He has produced written instruction dated 09.03.2023, which confirms that no opportunity was granted to the petitioner and no reasoned order has been passed. On these two short grounds, impugned order of the 2nd respondent is set aside. We have not gone into the merits of the claim. The matter is remanded to the 2nd respondent to conduct a fresh enquiry, after giving opportunity to the petitioner and pass detailed order on the claim that the petitioner belongs to Hindu “Kurumans” Scheduled Tribe community. The petitioner is directed to produce all the relevant records in order to substantiate his claim and the said order shall be passed within a period of 12 weeks from today.

5. With the above observation, the Writ Petition is disposed of. No costs.

(V.M.V.,J.) (V.L.N.,J.)
10.03.2023

Index : Yes/No
Neutral Citation : Yes / No
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To

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