



W.P.No. 34589 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 34589 of 2023

and

W.M.P.No.34534 of 2023

C.Palani

..Petitioner

Vs.

1.The Revenue Divisional Officer,
Vellore,
Vellore District.

2. The Director,
Tribal Research Centre,
M.Palada, Ooty,
The Nilgiris 643 004.

3. The Tahsildar,
Anaicut,
Vellore District.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in the order bearing No.O.Mu.A1/435/2023 dated 27.01.2023 issued by respondent No.1 and quash the same and to direct respondent No.1 to decide the community status

Page No:1/7



W.P.No. 34589 of 2023

of the petitioner's family on the basis of the anthropological report sought by respondent No.1 from respondent No.2 vide her letter bearing No.Na.Ka.A1/300/2020 dated 06.12.2021.

For Petitioner : Mr.M.Radhakrishnan

For Respondents : Mrs.Mythreye Chandru for R1 to R3
Special Government Pleader

ORDER

(Order of the Court was made by J.Nisha Banu,J.)

This writ petition has been filed challenging the proceedings dated 27.01.2023 issued by the 1st respondent, by which, the 1st respondent had directed the 3rd respondent to conduct an enquiry on the community status of the petitioner and to file a report and also for consequential direction to the 1st respondent to decide the community status of the petitioner's family on the basis of the anthropological report sought by the 1st respondent from the 2nd respondent vide her letter bearing No.Na.Ka.A1/300/2020 dated 06.12.2021.

2. (i) The case of the petitioner is that he belongs to Kurumans Community which is classified as Scheduled Tribe. He applied for



W.P.No. 34589 of 2023

community certificate for himself and his daughters viz., Rajeswari and Monicapriya to the effect that they belong to "Kurumans" Scheduled Tribe community. Based on the same, 1st respondent addressed a letter to the 2nd respondent on 06.12.2021 requesting an anthropological report regarding the communal status of the petitioner to consider their application for issuance of community certificates. Since there was no response from the 1st respondent, the petitioner had sent a fresh application dated 23.01.2023 for issuance of "Kurumans" Scheduled Tribe Community Certificates.

(ii) In the meanwhile, the petitioner came to know that the 2nd respondent had sent an anthropological report on 13.10.2022, regarding their community status to the 1st respondent. Instead of issuing community certificate on the basis of the same, the 1st respondent addressed a letter dated 27.01.2023 to the 3rd respondent to send a report after enquiring the community status of the petitioner. Aggrieved by the same, the present writ petition has been filed with the aforesaid relief.



W.P.No. 34589 of 2023

3. Learned counsel appearing for the petitioner submitted that the 1st respondent ought to have taken into consideration the anthropological report dated 13.10.2022 and passed orders in accordance with law. Instead of doing so, addressing a letter dated 27.01.2023 to the 3rd respondent directing him to send a fresh report is contrary to law and the same is liable to be quashed.

4. Per contra, the learned Special Government Pleader would submit that in order to follow the procedure for deciding the communal status of the petitioner, a letter dated 27.01.2023 was sent by the 1st respondent to the 3rd respondent directing him to send a report after enquiring the community status of the petitioner. If the claim of the petitioner is found to be genuine, there will be no impediment for grant of community certificate to the petitioner. Therefore, there is nothing wrong on the part of the 3rd respondent in conducting enquiry with regard to the petitioner's communal status.

5. Heard the learned counsel on either side and perused the materials available on record.



W.P.No. 34589 of 2023

6. Though the petitioner had stated in paragraph No.3 of the affidavit that "it is learnt that respondent no.2 had as early as on 13.10.2022 sent an anthropological report regarding our community status to respondent no.1", the said report dated 13.10.2022 is not available in the typed set of papers. However, we are of the view that as the 1st respondent has already sought for a report from the 2nd respondent vide letter dated 06.12.2021, again calling for a report from the 3rd respondent/Tahsildar regarding the community status of the petitioner through proceedings dated 27.01.2023 is unwarranted.

7. In view of the above, we are of the view tht the impugned order is liable to be set aside. Accordingly, the impugned order dated 27.01.2023 issued by the 1st respondent is set aside. The 1st respondent/Revenue Divisional Officer, Vellore, is directed to decide the community status of the petitioners' family based on the report sought for by the 1st respondent from the 2nd respondent vide letter dated 06.12.2021, within a period of four(4) weeks from the date of receipt of a copy of this order.



W.P.No. 34589 of 2023

8. Accordingly, the Writ petition is allowed. No costs. Consequently

connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
21.12.2023

Index : Yes / No
Speaking Order : Yes/No
Internet:Yes/No
Neutral Citation: Yes/No
msv

To

- 1.The Revenue Divisional Officer,
Vellore, Vellore District.
2. The Director,
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M.Palada, Ooty,
The Nilgiris 643 004
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W.P.No. 34589 of 2023

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And

N.Mala,J.

Msv

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