



WEB COPY



W.P.No.4696 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4696 of 2024

R.Rajamani
Petitioner

..

VS

- 1.Union of India,
rep. by its Secretary to Government,
Ministry of Tribal Affairs,
Dr. Rajendra Prasad Road,
Shastri Bhawan,
New Delhi-110 110.
- 2.The State of Tamil Nadu,
rep. by the Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai-600 009.
- 3.The Director,
Directorate of Tribal Welfare,
1st Floor, Ezhilagam Annex,
Chepauk, Chennai-600 005.



W.P.No.4696 of 2024

4.The District Adi-Dravidar and Tribal Welfare Officer,
Office of the District Adi-Dravidar and Tribal Welfare,
Tribal Welfare Office,
Tiruvannamalai District.

5.The District Collector,
Collectorate Office,
Vengikkal,
Tiruvannamalai District.

6.The Revenue Divisional Officer,
Arani Taluk,
Tiruvannamalai District.

7.K.Prasanth,
Assistant Professor,
Department of Anthropology,
University of Madras,
Chepauk, Chennai-600 005.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to consider the process of inclusion of the Caste "GUDUGUDUPUKARAR" in the List of Scheduled Tribes for the State of Tamil Nadu as per Article 342 of the Constitution of India in the list of Scheduled Tribes of Tamil Nadu expeditiously and in the alternate direct the respondents to treat the Gudugudupukarar in Synonym to Hindu Kanikkars in Sl.No.7 of the List of Scheduled Tribes in the State of Tamil Nadu on par with some of the Gudugudupukarar children of Ramanathapuram, Vellore and Kanchipuram Districts by considering the petitioners' representation dated 29.11.2023.



W.P.No.4696 of 2024

For the Petitioner : Ms.Karthikaa Ashok

For the Respondents : Mr.S.N.Parthasarathy
Senior Panel Counsel
for respondent No.1

: Mr.A.Edwin Prabakar
State Government Pleader
for respondents 2 to 6

: R7 – Not Ready in Notice

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Ms.Karthikaa Ashok, learned counsel for the petitioner; Mr.S.N.Parthasarathy, learned Senior Panel Counsel for the first respondent; and, Mr.A.Edwin Prabakar, learned State Government Pleader for respondents 2 to 6.

2. The present writ petition is filed seeking directions against the first respondent to consider the process of inclusion of the caste "Gudugudupukarar" in the List of Scheduled Tribes for the State of Tamil Nadu as per Article 342 of the Constitution of India in the list of



W.P.No.4696 of 2024

Scheduled Tribes of Tamil Nadu expeditiously and in the alternate direct the respondents to treat the Gudugudupukarar in synonym to Hindu Kanikkars in Sl.No.7 of the List of Scheduled Tribes in the State of Tamil Nadu on par with some of the Gudugudupukarar children of Ramanathapuram, Vellore and Kanchipuram Districts.

3. Learned counsel for the petitioner canvassed that now the petitioner cannot be considered as Hindu Kanikkar, in view of the Anthropologist report. According to learned counsel for the petitioner, in spite of 75 years of independence, the people belonging to Gudugudupukarar community have not got the benefit of either Scheduled Tribe and/or other Tribes and are not found in any of the lists.

4. Learned counsel for the petitioner submits that, at least, respondent No.1 be directed to consider the cause of the petitioner.

5. It would be beyond the purview of this Court to issue any direction as sought by the petitioner. The Presidential order of Scheduled Tribes list cannot be tinkered with by the Court. The



W.P.No.4696 of 2024

National Commission for Scheduled Tribes is the authority to consider whether a particular tribe comes under the parameters of a particular Scheduled Tribe. It is for the petitioner to take appropriate steps in that regard.

6. In view of the above, no relief can be granted to the petitioner. The writ petition is dismissed. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

13.03.2024

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

1.The Secretary to Government,
Union of India,
Ministry of Tribal Affairs,
Dr. Rajendra Prasad Road,
Shastri Bhawan,
New Delhi-110 110.

2.The Secretary to Government,
State of Tamil Nadu,
Adi-Dravidar and Tribal Welfare Department,
Fort St. George,
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W.P.No.4696 of 2024

WEB COPY

- 3.The Director,
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