

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.18631 of 2014 and
M.P.no.1 of 2014

R.Vasugi

...Petitioner

Vs

1. The Sub Collector,
Office of the Sub-Collector,
Namakkal.

2. The Tahsildar,
Namakkal.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in his proceedings dated 11.09.2013 made in Oou.Moo.5147/2012/A3 and quash the same and direct the 1st respondent to issue a widow certificate to the petitioner on the basis of the petitioner's application dated 30.07.2012

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

Heard Mr.G.Jeremiah, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents and perused the materials placed on record including the counter affidavit filed by the respondents. With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2.The petitioner has challenged the order dated 11.09.2013 by which the petitioner claim for destitute widow pension was rejected. A counter affidavit has been filed by the respondents stating that the enquiry was conducted by which it was ascertained that the petitioner owns a posh house and she is supported by her

mother-in-law and therefore she is not destitute widow.

3.However, enquiry conducted appears to be without notice to the petitioner. Therefore, the petitioner did not have any opportunity to contest the report submitted in the enquiry by the enquiry officer. Hence the impugned order is held to be in violation of the principles of the natural justice.

4.Accordingly, the Writ Petition is allowed and the impugned order is quashed and the 1st respondent is directed to furnish the copy of the report submitted by the Tahsildar, Namakkal and issue a show cause notice to the petitioner within a period of two weeks from the date of receipt of copy of this order and thereafter, the petitioner is entitled to submit her reply to the show cause notice and the 1st respondent shall pass a speaking order on merits and in accordance with law after considering the reply given by the petitioner within a period of three weeks thereafter.

With the above direction, this Writ petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

ssd

To

1. The Sub Collector,
Office of the Sub-Collector,
Namakkal.

2. The Tahsildar,
Namakkal.

1 cc to M/s.G. Jeremiah, Advocate, Sr. 10015
1 cc to Government Pleader, Sr. 9959

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RSK (CO)
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