



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2015

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.2637 of 2015

and

MP (MD) Nos.1 & 2 of 2015

Savithri

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivakasi,
Virudhunagar District.

2.The Special Tahsildar,
(Social Security Scheme)
Sattur & Taluk,
Virudhunagar District.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order Na.Ka. Aa3/9031/2013 dated 05.03.2014 passed by the first respondent and quash the same and consequently direct the respondents to disburse the Destitute Widow Pension to the petitioner since 2014 March onwards.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.S.Kumar
Additional Government Pleader

ORDER

The petitioner is aggrieved against the order passed by the first respondent dated 05.03.2014, wherein and whereby old age pension given to 150 persons was cancelled, out of which the petitioner was shown as one of such person at Serial No.4.

2.The case of the petitioner before this Court is that she was never issued with any old age pension and on the other hand by the proceedings of the Special Tahsildar, Sathur dated -03.2011 she was given destitute widow pension. Therefore, it is contended that without verifying the correct fact, the present impugned order is passed.

3.A counter affidavit is filed in this case, wherein it is stated that the petitioner is not a destitute widow and on the other hand, she has been divorced by her husband and even thereafter she has shown her husband in the ration card.



4.The learned counsel appearing for the petitioner submits that the entry of her husband's name in the ration card has subsequently been deleted by the competent authority and therefore, the first respondent without calling upon the petitioner and making an enquiry, passed the impugned order that too by wrongly construing as though the petitioner was receiving old age pension.

5.Considering the above stated facts and circumstances and also considering the fact that the petitioner was only receiving destitute widow pension, I find that the present impugned order showing the petitioner also as one of the person as if receiving old age pension, appears to have been passed without application of mind. Therefore, I find every justification to set aside the said order insofar as the petitioner is concerned.

6.Accordingly, this writ petition is allowed and the impugned order is set aside. Consequently, the first respondent is directed to pay destitute widow pension to the petitioner continuously as has been done in the past. However, if the first respondent is having any doubt with regard to eligibility of the petitioner, she must be given an opportunity of hearing before passing any such order. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivakasi,
Virudhunagar District.

2.The Special Tahsildar,
(Social Security Scheme)
Sattur & Taluk,
Virudhunagar District.

+1 CC to M/s.R.Murugappan, Advocate, SR No.72751

+1 CC to the Special Government Pleader, SR No.75846

W.P. (MD) No.2637 of 2015

18.12.2015

mj

SH/ :06.01.2016:2P/5C