

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.32049 of 2016

C.Sumitra

.. Petitioner

-VS-

- 1.The State of Tamil Nadu
rep.by its Secretary to Government,
Social Welfare Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director of Social Welfare,
Directorate of Social Welfare,
Chepauk, Chennai-600 005.
- 3.The Deputy Block Development Officer (Gen),
Panchayat Union, Sankarankoil,
Tirunelveli. .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second and third respondents to disperse the amount to the petitioner under the Moovalur Ramamirtham Ammaiyar Marriage Assistance Scheme by considering the petitioner's representation dated 15.02.2016 within a time frame to be stipulated by this Court.

For Petitioner :: Mr.G.Rajkumar

For Respondents:: Mr.R.S.Selvam,
Government Advocate for
R1 and R2

Mr.Rubeo Abrahgam for R3

ORDER

This writ petition has been filed seeking a direction to the second and third respondents to disperse the amount to the petitioner under the Moovalur Ramamirtham Ammaiyar Marriage Assistance Scheme by considering the petitioner's representation dated 15.02.2016 within a stipulated time frame.

2.Mr.R.S.Selvam, learned Government Advocate took notice for respondents 1 and 2 and Mr.N.Rubeo Ahrahgam, learned counsel, took notice for the third respondent and submitted that since the petitioner had not made the application to the respondents on time, her claim was not considered.

3.The learned counsel for the petitioner has submitted that in similar circumstances, this Court in the order made in W.P.No.27214 of 2016 dated 04.08.2016, granted the relief to one K.Arasu, who was also similarly placed like that of the petitioner. Stating so, the learned counsel for the petitioner submitted that this writ petition has to be allowed.

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

5.It is seen that as per the Scheme, the petitioner has to make the application to the authorities before 40 days of the marriage, but the petitioner made the application to the authorities 30 days after marriage. This is said to be the reason for non-consideration of the petitioner's claim. On a perusal of the order of this Court made in W.P.No.27214 of 2016 dated 04.08.2016, which has been relied on by the learned counsel for the petitioner, it is clear that the power to condone the delay in seeking benevolent legislation always vests with the Government. The relevant portion of the order of this Court (supra) is reproduced hereunder:

"In the considered opinion of this Court, the second respondent is having discretion and power to condone the delay. The fact remains that due to procedural formalities, the petitioner could not submit the application on time. As already pointed out, the marriage of the petitioner's daughter also, is not in serious dispute. Therefore, there cannot be any impediment on the part of the second respondent to consider the application submitted by the petitioner, in the light of the relevant norms and regulations."

6.In the result, the writ petition is disposed of directing the second respondent to consider the representation dated 15.02.2016 made by the petitioner, in the light of the order passed by this Court in W.P.No.27214 of 2016 dated 04.08.2016, and pass appropriate orders, as expeditiously as possible. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Social Welfare Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director of Social Welfare,
Directorate of Social Welfare,
Chepauk, Chennai-600 005.
- 3.The Deputy Block Development Officer (Gen),
Panchayat Union, Sankarankoil,
Tirunelveli.

+2cc to M/S.R.Anitha, Advocate Sr.51891
+1cc to the Government Pleader Sr.52253

सत्यमेव जयते

W.P.No.32049 of 2016

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srg 04/10/2016

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