

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM:

THE HON 'BLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No.33026 of 2016

R.Henri Manoharan

... Petitioner

Versus

1. The Secretary to Government,
Social Welfare Department, Secretariat,
Fort St. George, Chennai 600 009
 2. The District Collector,
Collectors Office, Chennai 600 001
 3. The Social Welfare Department,
Welfare Officer, Collector Office Building,
Chennai 600 001
 4. The Tahsildar, Perambur Taluk,
Chennai 600 011
 5. The Tahsildar, Periamet Taluk,
Chennai 600 003
- ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Mandamus directing the Respondents to restore the old age pension of the Petitioner (Indra Gandhi National Old Age Pension Scheme) which was sanctioned to him through the Order of Special Tahsildar, Purasai - Perambur Taluk No.Ni.Mu.040668/1998, dated 17.11.1998 and stopped from the month of January 2014 without any notice or assigning any reasons.

For Petitioner : Mr. R. Sankar

For Respondents : Mr. S.V.Durai Solaimalai, A.G.P.,

O R D E R

Heard Mr.R.Sankar, learned counsel appearing for the petitioner and Mr.S.V.Durai Solaimalai, learned Additional Government Pleader appearing for the respondents. By consent of the learned counsel for both sides, the writ petition is taken

up for final disposal.

2. The petitioner, who is aged about 81 years, has come forward with this writ petition, for restoring his old age pension granted under the Indra Gandhi National Old Age Pension Scheme, which was initially sanctioned in his favour by the fourth respondent, vide proceedings, dated 17.11.1998. In the year 2014, the pension to the petitioner has been stopped. The petitioner would state that this was done without notice to the petitioner. The reason being that the Slum Clearance Board Tenement, in which the petitioner was residing had become old and dilapidated and the Slum Clearance Board had decided to demolish and reconstruct the property and as a result of which, the petitioner has to vacate the premises. After reconstruction, fresh allotment was given to the petitioner on 29.02.2016 allotting Tenement No.L-2/375. Now, the petitioner wants his old age pension to be restored.

3. It is not known as to why the petitioner did not take any action for about two years, though the pension was stopped in the year 2014. In any event, the petitioner was initially sanctioned the old age pension as early as in the year 1998. Therefore, the respondents should consider his eligibility to continue to receive the pension. It is stated that the area, where the petitioner resides now, falls within the jurisdiction of the Tahsildar, Periamet Taluk, namely, the fifth respondent.

4. In the light of the above facts, there will be a direction to the fifth respondent to direct one of his Officers to conduct an inspection and verify the genuineness of the petitioner's claim and submit a report and based on the report, the fifth respondent shall pass appropriate orders, on merits and in accordance with law, and if there is no legal impediment, the old age pension shall be restored to the petitioner. The above direction shall be complied with within a period of six weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of accordingly. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

srk

To

1. The Secretary to Government,
Social Welfare Department, Secretariat,
Fort St. George, Chennai 600 009
2. The District Collector,
Collectors Office, Chennai 600 001
- 3 The Social Welfare Department,
Welfare Officer, Collector Office Building,
Chennai 600 001
- 4 The Tahsildar, Perambur Taluk,
Chennai 600 011
- 5 The Tahsildar, Periamet Taluk,
Chennai 600 003

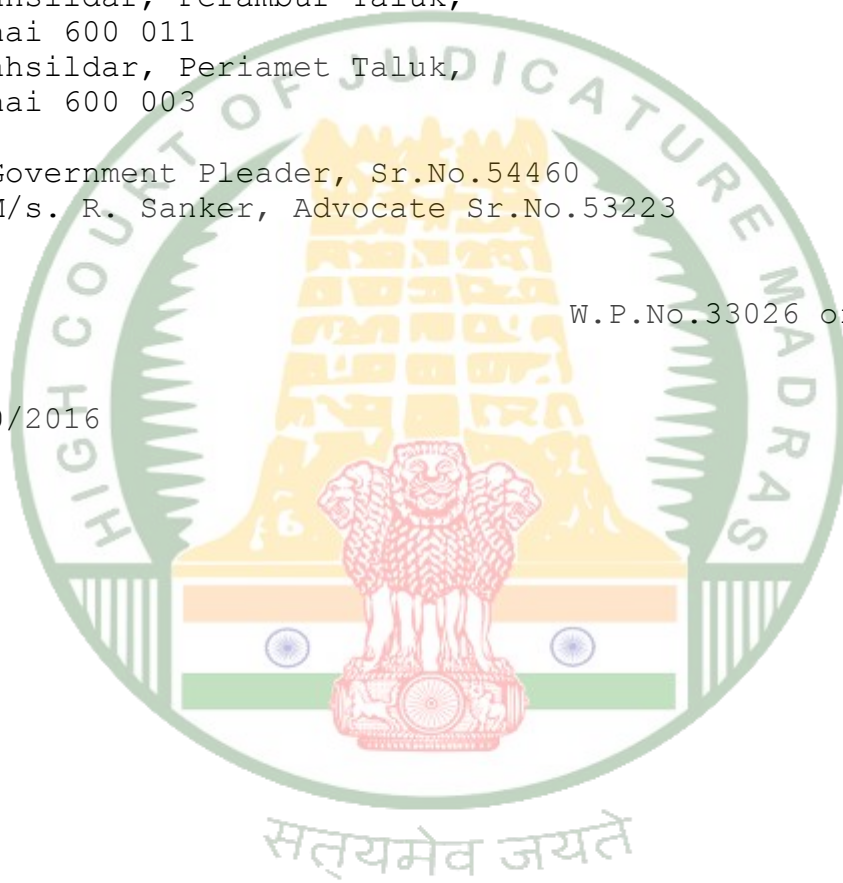
+1 CC to Government Pleader, Sr.No.54460

+1 CC to M/s. R. Sanker, Advocate Sr.No.53223

W.P.No.33026 of 2016

NR (CO)

MD : 06/10/2016



WEB COPY