

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4503 of 2016

S.Mathivannan

... Petitioner

Vs.

- 1.The Secretary to Government,
Social Welfare and Nutritious Meal Program (SW.V) Dept.,
Secretariat,
Fort St.George,
Chennai-600 009.
 - 2.The Commissioner of Social Welfare,
Commissionerate of Social Welfare,
Industrial Estate, SIDCO Old Building,
2nd Floor, Guindy,
Chennai-600 032.
 - 3.The District Collector,
Kanchipuram District,
Kanchipuram.
 - 4.The District Social Welfare Officer,
Kanchipuram District,
Kanchipuram.
 - 5.The Block Development Officer,
Kattankolathur,
Kanchipuram District.
- ... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to consider the petitioner's application, dated 01.02.2007, and grant the benefits in accordance with the Girl Child Protection Scheme 2001 with effect from 01.02.2007 with interest accrued thereon.

For Petitioner : Mr.S.Pushpakaran

For Respondents: Mr.R.A.S.Senthilvel,
Addl.Govt.Pleader.

O R D E R

This Writ Petition has been filed, praying for issuance of a writ of mandamus to direct the respondents to consider the petitioner's application, dated 01.02.2007, and grant the benefits in accordance with the Girl Child Protection Scheme 2001, with effect from 01.02.2007.

2. The petitioner, in his affidavit, has averred that he is having two female children, namely, Shiny Jebamathi and Emi Jayamathi, born on 17.12.2003 and 06.12.2006, respectively. He belongs to Scheduled Caste community. He submitted an application on 01.02.2007, to the fifth respondent, along with all supporting documents, namely, Birth Certificates of his daughters, Certificate issued by Tahsildar, Chenglepet, stating that the petitioner's wife had undergone sterilization operation on 06.12.2006 and has no male children, and the Income Certificate, issued by Zonal Dy.Tahsildar, Chenglepet, for receiving the benefit under Girl Child Protection Scheme, 2001. Pursuant to the said application, the fifth respondent visited the petitioner's residence and personally verified the documents submitted by the petitioner. Since nothing has taken place thereafter, the petitioner approached the respondents 3 to 5 several times, whereupon he was told that his application was under process. Even after a lapse of five years, his application was not considered. In this regard, the petitioner gave a representation, dated 27.08.2012, to the Hon'ble Chief Minister's Special Cell, which, in turn, forwarded the representation to third and fifth respondents, for appropriate action. Thereafter, he was summoned to fifth respondent office, where he was told to submit a fresh set of documents as the documents submitted earlier were misplaced, and he was assured that his request would be considered. Accordingly, the petitioner submitted a representation, dated 09.02.2015, to third respondent, requesting him to take appropriate action to grant the benefits provided under the Scheme, as amended up to date. But, the respondents have not acted on the said representation till date, which would not only defeat the object of the noble scheme, but also make the life of female child miserable, given the condition prevailing in the society. Aggrieved over the inaction of the respondents, the petitioner has approached this Court by way of this Writ Petition.

3. I have heard the learned counsel for the parties.

4. Considering the facts and circumstances of the case, this Court directs the petitioner to submit a fresh representation along with a copy of this order to the fifth respondent, enclosing all necessary documents, within a period of one week from the date of receipt of a copy of this order,

and, on receipt of such representation, the fifth respondent is directed to consider the same and pass appropriate orders with regard to the grant of benefits under the Girl Child Protection Scheme, 2001, on merits and in accordance with law, within a period of four weeks thereafter.

5. Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Social Welfare and Nutritious Meal Program (SW.V) Dept.,
Secretariat,
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Kanchipuram District.

+1cc to Mr.Mr.Pushpakaran, Advocate, S.R.No.8404

W.P.No.4503 of 2016

mg (CO)
srg (18/02/2016)