



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.13840 of 2016
and
W.M.P.(MD).No.10317 of 2016

Sivamani

... Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
- 2.The Tahsildar,
Avudaiyarkovil Taluk,
Pudukkottai District.
- 3.The Regional Medical Officer,
Regional Primary Health Centre,
Ponpethi,
Pudukkottai District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 1st respondent in his proceedings in O.Mu.2835/2014/A7 dated 16.12.2015 and quash the same as illegal consequently to direct the 1st Respondent to issue a certificate of 'Destitute Widow' to the petitioner.

For Petitioner	:Mr.T.Lenin Kumar
For Respondents	:Mr.K.Guru
	Additional Govt. Pleader

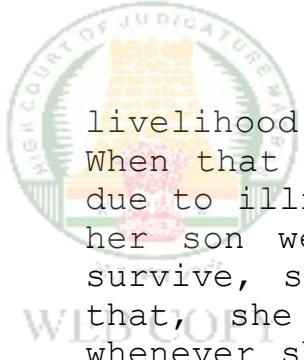
O R D E R

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

3.No counter is filed on behalf of the respondents.

<https://hcservices.ecourts.gov.in/Aservices/> According to the petitioner, her husband was a tailor by profession and only through the income derived in the said profession, she, her husband and her son were eking out their



livelihood. Apart from that, they have no other source of income. When that be the facts situation, on 18.03.2011, her husband died due to illness. Soon after the demise of her husband, herself and her son were neglected by their own relatives and in order to survive, she managed to mobilize money through loan. Apart from that, she used to do small and daily wage work occasionally whenever she was called upon to do by the concerned employer. In short, she is a jobless widow as on date.

5. The grievance of the petitioner is that she made a representation in person before the 2nd respondent/Tahsildar, Avudaiyarkovil Taluk, Pudukkottai District, seeking for issuance of 'Destitute Widow Certificate'. Having processed her application, the second respondent, on 23.01.2012 issued a 'Widow Certificate' only. As a matter of fact, she is a destitute widow and no one is helping her to fulfil their hungry. Further, on 14.08.2014, she made a representation in person before the first respondent, seeking for issuance of certificate claiming to be a 'destitute widow' to enable her to apply for a government job. It comes to be known that the petitioner's representation was rejected by the first respondent/Revenue Divisional Officer, Aranthangi, based on the reason that she is holding a temporary post of Masthoor in the third respondent department/Regional Primary Health Department and also she being supported by her relatives.

6. At this stage, the Learned Counsel for the Petitioner projects an argument that the petitioner was working in the third respondent Office as a temporary worker and now, she is not working, as per the certificate, dated 14.06.2016, issued by the third respondent.

7. Considering the fact that the petitioner has a certificate dated 14.06.2016 in her favour, issued by the third respondent/the Regional Medical Officer, Regional Primary Health Centre, Ponpethi, Pudukkottai District to the effect that 'She is not Working in the Office of the Third Respondent', at this stage, this Court, without traversing upon the merits of the matter and also not expressing any opinion in the subject matter in issue, simpliciter, directs the first respondent to enquire the petitioner in regard to her claim as destitute widow, as per the rules and regulations and to pass necessary speaking order on merits, (of course, after providing necessary opportunity to the petitioner and others concerned, if any, in the subject matter in issue, by following the principles of Natural Justice), within a period of four weeks from the date of receipt of a copy of this order. It is open to the petitioner to produce any supporting document/record to show that as on date, she is jobless etc.,

<https://hccourtservices.mca.gov.in/hccourtservices> an enquiry in the subject matter in issue, it is open to the first respondent to enquire and to record the statements of nearby residents/persons, who live nearby to the



petitioner's residence and ultimately to take a decision in the subject matter in issue, of course, within the time stipulated by this Court.

8. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
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Avudaiyarkovil Taluk,
Pudukkottai District.
- 3.The Regional Medical Officer,
Regional Primary Health Centre,
Ponpethi,
Pudukkottai District.

+One cc to Mr.T.Lenin Kumar, Advocate, SR.No.41598

+One cc to The Special Government Pleader, SR.No.41561

vs
RL/6C/2P/DB/11/8/2016

Writ Petition (MD).No.13840 of 2016

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