

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.30730 of 2017

and

WMP.No.33637 of 2017

Maheswari

W/o.Late Maheswaran

... Petitioner

versus

The Revenue Divisional Officer

Dharmapuri

Dharmapuri District.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in connection with proceedings in Moo.Mu.3567/2016/A4 dated 19.04.2017 of the respondent and consequently direct the respondent to issue Destitute Widow Certificate to the petitioner herein.

For Petitioner : Mr.K.Thiruvengadam

For Respondent : Mr.R.Govindasamy

Special Government Pleader

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the order passed by the respondent dated 19.04.2017, rejecting her request for grant of the Destitute Widow Certificate.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

4. I have given a careful consideration to the submissions made by both sides and also perused the impugned order. It appears that the respondent has passed the impugned order without application of mind and without reference to the relevant documents filed by the petitioner viz., the Certificate

issued by the Revenue Inspector, Indur, dated 06.01.2015, stating that the petitioner has no income and two of her sons are only aged about 15 and 11 years. However, the respondent has chosen to give a finding as though those two sons are working at Hosur, without having any materials to substantiate such contention. The Tahsildar, Dharmapuri, also issued an unemployed Certificate to the petitioner dated 21.01.2015, stating that she was not employed anywhere. The Tahsildar, Dharmapuri also issued a Certificate on 10.04.2015, stating that the petitioner has not re-married. Again, the Tahsildar, Dharmapuri also issued another Certificate on 04.08.2015, stating that the petitioner is not having any movable or immovable property. Another Certificate issued by the Tahsildar, Nallampalli dated 22.06.2016, clearly indicates that the petitioner is in poverty after death of her husband on 24.08.2014, who was the only bread winner. When all these Certificates are clearly indicating that the petitioner's claim is genuine and liable to be sanctioned, I failed to understand as to how the respondent has come to such conclusion mechanically, as though the petitioner is not entitled for such issuance of Destitute Widow Certificate.

5. Considering all these aspects, this Court is of the view that the order passed by the respondent cannot be sustained. Accordingly, this writ petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the respondent to re-consider the whole issue and pass appropriate orders for granting Destitute Widow Certificate to the petitioner, based on the above Certificates produced by her. Such exercise shall be done by the respondent, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(J)

True Copy
सत्यमेव जयते
Sub-Assistant Registrar

mk
To
The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

+1 CC to Mr.K.Thiruvengadam, advocate sr 84296.
+1 cC to Govt. Pleader sr 85073.

W.P.No.30730 of 2017

SP(08/12/2017)