

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.11897 of 2017
and W.M.P. No.12805 of 2017

Sivamalai

...Petitioner

v.

1. The District Collector,
Collectorate Office,
Villupuram District.

2. The Revenue Divisional Officer,
Kallakurichi Taluk,
Villupuram District.

3. The Thasildar,
Kallakurichi Taluk,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the proceedings of the 2nd respondent in Mu.Mu.A5/5783/2016, dated 18.11.2016 and quash the same as illegal, incompetent and unconstitutional and directing the 2nd respondent to issue the Destitute Widow Certificate.

For Petitioner : Mr.K. Amirthalingam
For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

O R D E R

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent dated 18.11.2016 and to quash the same.

2. It is the case of the petitioner that she is the 3rd wife of one Swamydurai, who died on 24.06.2011. It is not in dispute that the said Swamydurai married one Maria Selvam initially and thereafter, he married one Latha, who has one female child. According to the petitioner, she married the said Swamydurai subsequent to the marriage on Latha. It is also not in dispute that the marriage between the Swamydurai and Maria Selvam and

also between Swamydurai and Latha were not dissolved till this date. When the other wives are very much alive and when the marriage between Swamydurai and Maria Selvam is very much in existence, the petitioner approached the 2nd respondent seeking for Destitute Widow Certificate. The 2nd respondent rejected the application stating that the petitioner has not produced any documents to prove the factum of marriage between Late Swamydurai and herself. Since the petitioner has not produced any evidence before the 2nd respondent to prove the factum of marriage, the 2nd respondent has rightly rejected the application.

3. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the respondents and submitted that the 2nd respondent has rightly rejected the application.

4. I do not find any error or irregularity in the order passed by the 2nd respondent. The Writ Petition is devoid of merits and is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

va/rsi

To

1. The District Collector,
Collectorate Office,
Villupuram District.
2. The Revenue Divisional Officer,
Kallakurichi Taluk,
Villupuram District.
3. TheThasildar,
Kallakurichi Taluk,
Villupuram District.

+1cc to Government Pleader in Sr.No.41419

W.P.No.11897 of 2017 and
W.M.P. No.12805 of 2017

RR(CO)
NR 16/06/2017