

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 06.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P. (MD) No.5291 of 2017

Subalakshmi

... Petitioner

Vs.

1. The District Social Welfare Officer,
Dindigul District,
Dindigul.

2. The Block Development Officer
(Village Panchayat),
Ottanchathiram
Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the second respondent in Na.Ka.No.2184/2016/A7, dated 27.12.2016 and quash the same and direct the respondents to provide marriage assistance to the petitioner under Movalur Ramamirtham Ammayar Memorial Marriage Assistance Scheme.

For Petitioner : Mr.P.Athimoolapandian

For Respondents : Mr.T.S.Mohamed Mohideen

Additional Government Pleader

ORDER

This writ petition has been filed seeking to quash the impugned proceedings dated 27.12.2016 passed by the second respondent and to direct the respondents to provide marriage assistance to the petitioner under Movalur Ramamirtham Ammayar Memorial Marriage Assistance Scheme.

2. Heard the learned Counsel on either side.

3. The case of the petitioner is that the marriage between herself and one Korakkan was solemnized on 02.11.2016 at Koovanoothu Village and the same was registered under Hindu Marriage Act, on 02.11.2016. For getting marriage assistance under Movalur Ramamirtham Ammayar Memorial Marriage Assistance Scheme, the petitioner submitted an application through online on 25.10.2016. The second respondent by passing the impugned order, rejecting the request of the petitioner stating that the marriage was solemnized on 02.11.2016.



4. The grievance of the petitioner is that the second respondent without hearing the petitioner passed the impugned order and hence, the petitioner is before this Court with the aforesaid prayer.

5. The learned counsel for the petitioner would submit that the impugned order has been passed without giving an opportunity of hearing to the petitioner and thereby, there is a violation of principles of natural justice.

6. It is seen that the impugned order passed by the second respondent rejecting the request of the petitioner cannot be sustained in the eye of law, on the ground of violation of principles of natural justice. Therefore, the impugned order is liable to be set aside.

7. Accordingly, this Writ Petition is allowed and the impugned order is set aside and the matter is remitted back to the second respondent for fresh consideration. The petitioner is hereby directed to furnish all the material documents before the second respondent within a period of two weeks from the date of receipt of a copy of this order and on such filing, the second respondent shall pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and all the interested parties, if any, within a period of four weeks, thereafter. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Social Welfare Officer,
Dindigul District, Dindigul.

2. The Block Development Officer
(Village Panchayat),
Ottanchathiram Dindigul District.

+ 1 cc TO Mr.P.Athimoolapandian , Advocate in SR No. 91586

+ 1 cc TO The Special Government Pleader in SR No. 91814

rm

AE/SKN RSK/SAR1/20.12.2017/2P/5C