



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2018

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P (MD) No.24544 of 2018

WEB COPY

Chandramathi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Kalaiyarkovil Taluk Office,
Kalaiyarkovil,
Sivagangai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the first respondent to issue a Destitute Widow Certificate, based on the petitioner's application dated 21.02.2017, in accordance with law.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.P.Kannithevan

Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the first respondent to issue a Destitute Widow Certificate, based on the petitioner's application dated 21.02.2017, in accordance with law.

2.The case of the petitioner is that she was married to one Robert Arockiaraj, S/o.Maria George, native of Sengulam Village. The marriage between them was performed under the Christian Religious Custom and Rites. Out of the wedlock, they blessed with one female child viz., Philomin Robert. When the petitioner and her husband were travelling in a motorcycle to meet their relative, who was admitted in the private hospital on 12.11.2016, a lorry bearing Registration No.TN-66-D-8266 driven by its driver in a rash and negligent manner and dashed against the motorcycle and ran over the petitioner's husband. Immediately, he was taken to the Government Rajaji Hospital, Madurai, and the Doctor declared him dead and Thallakulam Police registered a criminal case in Crime No.347 of 2016 against the driver of the lorry for the offence under Section 304(A) IPC. The petitioner has no other support and her parents are deaf and dumb and her husband had no assets and her in-laws have



also no agricultural properties. The petitioner has completed Higher Secondary School and Teacher Training in Deaf and Dumb Course and registered in Employment Exchange. In the circumstances, on 21.02.2017, the petitioner has sent a representation to the first respondent requesting him to issue a Destitute Widow Certificate. But, the first respondent has failed to take any action on the petitioner's representation. Hence, the petitioner has approached this Court by way of filing this Writ Petition.

3.Considering the facts and circumstances of the case, this Court is of the view that the respondents are denying the lawful right of a person and depriving her choice of getting Government employment. Hence, this Court directs the second respondent Tahsildar to conduct an enquiry within a week from today and submit a report to the first respondent and the first respondent is directed to issue a Destitute Widow Certificate to the petitioner, within a period of three weeks thereafter. The entire exercise shall be completed by the authorities concerned within a month from today. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Kalaiyarkovil Taluk Office,
Kalaiyarkovil,
Sivagangai District.

+1CC to Mr.J.John, Advocate, SR.No.100382

W.P (MD) No.24544 of 2018
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