



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.09.2018

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)No.1099 of 2018

and

C.M.P(MD)No.7896 of 2018

in WP(MD)No.20281 of 2017

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sattur, Virudhunagar District.

3.The Tahsildar,
Taluk Office, Sattur,
Virudhunagar District.

4.The Special Tahsildar(SSS),
Taluk Office, Vembakottai,
Virudhunagar District.

.. Appellants/Respondents

Vs.

Mottaiyan

.. Respondent / Respondent

Prayer : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order in W.P(MD)No.20281 of 2017 dated 09.04.2018.

PRAYER IN WP(MD)NO.20281 OF 2017: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of dismissal of the petitioner old age pension through serial No.207, dated 10.07.2015 passed by the third respondent and quash the same and consequently directing the respondents 2 to 4 to disburse old age pension to the petitioner continuously and to pass such further or other orders as this Honourable Court.



For Appellants

: Mrs.J.Padmavathi Devi,
Special Government Pleader

For Respondent

: Mr.R.Murugappan

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JUDGMENT**[Judgment of the Court was delivered by PUSHPA SATHYANARAYANA, J.]**

This writ appeal is filed by the appellants / respondents, challenging the order dated 09.04.2018 passed by the learned single Judge in W.P(MD)No.20281 of 2017, giving a direction to the appellants /respondents, to release the entire arrears of old-age pension to the writ petitioner / respondent from the date it was discontinued and thereafter, continue to pay the same.

2. We have heard the submissions made on either side and perused the materials placed before us.

3. Even though the Social Security Pension Scheme says that any eligible destitute person has to be without having any income or source of income and owning fixed assets valuing less than Rs.50,000/- and without having relative of 20 years of age under the categories of son, son's son, husband / wife and other related persons, who normally live together, further it says that if all the relatives falling within the categories specified above themselves are below the poverty line, then the person is deemed to be a destitute person. Only on subjective satisfaction of the third appellant / Tahsildar, earlier, the orders were passed granting old-age pension to the respondent / writ petitioner and he had been receiving his pension. However, the same was withdrawn abruptly without any notice to him. Therefore, the same was challenged and it was also rightly allowed by the learned single Judge.

4. The authorities are expected to do the preliminary enquiry on which any benefit is extended to a person, thoroughly. But, the officials are only doing a half baked job, without verifying the eligibility criteria extending the benefits to the applicants and subsequently withdrawing the said benefit on a second thought, which is also without any prior enquiry. Schemes won't be effective without willingness to implement it, keeping in view the needs of the community.

5. It is also observed by the learned single Judge that there is no enquiry conducted for the purpose of discontinuing the writ petitioner's old-age pension. Hence, considering the overall circumstances, the learned single Judge had rightly allowed the writ petition and there is no merit in this writ appeal and the same is liable to be dismissed.



6. In the result, the writ appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd

ASSISTANT REGISTRAR (CO)

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SUB ASSISTANT REGISTRAR (CS II)

PM

TO:

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Sattur, Virudhunagar District.
- 3.The Tahsildar,
Taluk Office, Sattur,
Virudhunagar District.
- 4.The Special Tahsildar(SSS),
Taluk Office, Vembakottai,
Virudhunagar District.

1CC TO MR. R. MURUGAPPAN, ADVOCATE SR 84943
1CC TO THE SPL GOVT PLEADER SR 85616

Judgment made in
W.A(MD)No.1099 of 2018
18.09.2018

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