

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No. 16909 of 2019

1. R.Latha
2. R.Vedalakshmi
(impleaded as per order dated
19/11/2019 made in WMP 32686/19
in W.P.No.16909 of 2019) ...Petitioners

vs.

1.The District Collector,
Villupuram.
2.The District Social Welfare Officer,
Villupuram. ... Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying to issue writ of mandamus, directing the respondents to sanction and pay the petitioner the marriage assistance amount of Rs.50,000/- and gold coin of 8 grms under the Moovalur Ramamirtham Ammaiyar Memorial Marriage Assistance Scheme implemeted by the Social Welfare Department of Government of Tamil Nadu.

For Petitioner : Mr.Suresh N.

For Respondents: Mr.R.Govindasamy,
Special Government Pleader

O R D E R

The petitioner had given an application on 02.11.2015, after paying a sum of Rs.100/- and acknowledgement for receipt of application for Moovalur Ramamirtham Ammaiyar Ninaivu Marriage Assistance Scheme by Receipt No.2015/0301/07/005435 was issued. Subsequently, the marriage of R.Viswanathan with the daughter of the petitioner R.Vedhalakshmi was conducted on 06.11.2015. The marriage was also registered and extract of a copy of registration by the Marriage Registrar Officer has also been produced in the typed set, in which the date of marriage was solemnized given on 06.11.2015.

2. Mr.R.Govindasamy, the learned Special Government Pleader, however relied on the receipt of the advance given to the marriage hall. It is stated that the marriage was not conducted on 06.11.2015. When an Official record, particularly a marriage extract, issued by the Marriage Registrar is produced, a normal presumption can be drawn that the said document being a public document, is a true document and contains the correct facts.

3. This Court does not know why the respondents have gone to the Marriage contractor to get a receipt, which receipt cannot even looked into by this Court, when the marriage certificate is produced. The copy of guidelines is also produced by the learned Special Government Pleader. It is stated that assistance for marriage should be given atleast 40 days prior to the Marriage and in some circumstances, atleast 1 day prior to marriage. In the present case, the application was given 4 days prior to the marriage, but that cannot be a reason for denying the relief. Since, the writ petition has been filed in the nature of the mandamus directing sanction and to pay the petitioner, the marriage assistance, the writ petition is allowed and direction is issued to the respondent to sanction on or before 07.01.2020, the marriage assistance amount of Rs.50,000/- .

4. It is to be mentioned that every writ petition is not a challenge or question of the acts of the Legislature. The Legislature passes beneficial schemes for the benefit of the citizens. When officials like the second respondent namely The District Social Welfare Officer prevent the said schemes from reaching the beneficiaries, writ petitions of this nature are filed. It is hoped that the office of the learned Special Government Pleader would take a practical view on this sought of writ petitions.

5. Accordingly, the writ petition is allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Villupuram.

2.The District Social Welfare Officer,
Villupuram.

+1cc to Mr.N.Suresh, Advocate Sr.103628
+1cc to the Government Pleader Sr.103642

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srg 10/02/2020