**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**
**DATED: 05.09.2019**
**CORAM:**
**THE HONOURABLE MR.JUSTICE M.SUNDAR**
**W.P(MD)No.1130 of 2019**
**and**
**W.M.P(MD).No.952 of 2019**

A.Maruthayee ... Petitioner

Vs.

1.Government of Tamilnadu,
By its Secretary,
Social Welfare Department,
Secretariat, Chennai.

2.The District Collector,
Tiruchirappalli.

3.The Assistant Commissioner,
Tiruchirappalli City Corporation,
Ko-Abishegapuram Division,
Tiruchirappalli. ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the third respondent proceedings Mu.Mu.C2/5245/2017(Ko.Abi) dated 15.10.2018 and quash the same as illegal and direct the third respondent to pay the benefit under the 'Moovalur Ramamiritham Ammaiyar Memoraial Marriage Financial Assistance Scheme' to the petitioner.

For Petitioner : Mr.J.Madhu
For Respondents : Mr.K.Mu.Muthu (for R1 & R2)
Additional Government Pleader
Mr.S.Sajibino (for R3)

**ORDER**

Mr.J.Madhu, learned counsel on record for writ petitioner, Mr.K.Mu.Muthu, learned Additional Government Pleader for the respondents 1 and 2 and Mr.S.Sajibino, learned counsel for the third respondent are before this Court.

2.With consent of the learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3.Central theme of the instant writ petition is a Scheme, which goes by the name 'Moovalur Ramamiritham Ammaiyar Memorial Marriage Financial Assistance Scheme' (hereinafter referred to as the 'said scheme' for the sake of brevity, clarity and convenience). Notwithstanding several averments made in the affidavit filed in support of the writ petition and counter affidavit filed by the second respondent, in the hearing, the entire matter was projected on two points.

4.Before adverting to the two points, on which instant writ petition was projected, it is necessary to briefly mention that under the said Scheme, assistance for marriage is being provided by way of money in a sum of Rs.50,000/-(Rupees Fifty Thousands only) and 4 grams of gold.

5.There is no dispute that the writ petitioner applied, but writ petitioner’s application for assistance under the said Scheme was negatived vide order dated 15.10.2018 made by the third respondent bearing 'reference No.மூ.மு.எண்.சி2/5245/2017கோ.அபி' (hereinafter referred to as 'impugned order' for the sake of brevity).

6.A perusal of the impugned order reveals that the rejection is on the sole ground that the writ petitioner has not submitted the Annual Income Certificate before wedding.

7.At the hearing, it is submitted that the Annual Income Certificate has since been obtained. It is also submitted that an application for Annual Income Certificate was made by the writ petitioner well in advane, but the concerned revenue authority, namely, the jurisdictional Deputy Tahsildar gave Annual Income Certificate only on 08.06.2017, in other words, it is the specific say of the learned counsel for writ petitioner that delay in producing the Annual Income Certificate was not attributable to the writ petitioner. However, it has since been produced and there is no disputation or disagreement on this. This is one point on which, writ petition was being projected.

8.The second point, on which, writ petition was projected is, it is submitted that, according to the scheme, the application should have been made 40 days prior to the date of wedding. In the instant case, date of wedding is 29.05.2017, but the application had been made only on 12.05.2017. The impugned order is completely silent about this aspect of the matter. There is no whisper in the impugned order that the application has not been made within 40 days. Law is well settled that an impugned order cannot be improved by way of counter. Therefore, the only point which falls for consideration is whether the Income Certificate ought to have been produced for the application to be processed.

9.Therefore, though the arguments were projected on two grounds, in the considered view of this Court, only one ground survives for consideration and that one ground is production of Income Certificate.

10.Now that Income Certificate has been made available and it has been given to the writ petitioner by the jurisdictional Tahsildar only on 08.06.2017, this Court examined whether the writ petitioner would otherwise be entitled to benefit under the said Scheme. From the submissions made and on examination of the scheme, it comes out clearly that if the writ petitioner had produced the Income Certificate prior to wedding date i.e., 29.05.2017, the writ petitioner would have been entitled to benefit under said scheme.

11.It is also not in dispute that the said Scheme is now operating and eligible applicants are now given the aforesaid disbursement of cash and gold even as of today. Under these circumstances, this Court is of the considered view that the said Scheme itself being a welfare Scheme, it would be inappropriate to reject the writ petitioner's application owing to facts and circumstances of instant case. Now that the Income Certificate has been produced, the impugned order is set aside and the second respondent is directed to process the application of the writ petitioner under said scheme and conclude the proceedings as expeditiously as possible and in any event, within a period of twelve(12) weeks from the date of receipt of a copy of this order.

12.With the above directions, instant Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Secretary,
Government of Tamilnadu,
Social Welfare Department,
Secretariat, Chennai.

2.The District Collector,
Tiruchirappalli.

+1 CC to M/s.SPL GP ( SR-85553[F] dated 06/09/2019 )

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