



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21607 of 2021

Parimala

...Petitioner

Vs.

1. The Govt. Of Tamil Nadu represented by its
Secreatary to Govt. Social Welfare Department,
Fort St.George, Chennai.
2. The Sub-Collector,
Office of Sub-Collector,
Dharmapuri.
3. The Tahsildhar,
Nallampalli.
Dharmapuri District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent herein pertaining to proceeding dated 23.07.2021 in Mu.Mu.2852/2021/A4 and quash the same and further direct the 2nd respondent herein to issue the Destitute Widow certificate to the petitioner by holding further enquiry.

For Petitioner : Mr.M.Selvam

For RR1 to RR3 : Mr.K.Karthikeyen, Govt. Advocate

O R D E R

This petition has been filed for the issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent herein pertaining to proceeding dated 23.07.2021 in Mu.Mu.2852/2021/A4 and quash the same and further direct the 2nd respondent herein to issue the Destitute Widow certificate to the petitioner by holding further enquiry.

2. The case of the petitioner is that the petitioner got married with one Balakrishnan in the year 2006 and out of wedlock, they have two minor children by names NithshBalu aged



about 12 years and Lalith Kumar aged about 10 years and her husband was working as a coaching teacher at Dharmapuri. While he was in service, he purchased a plot in A.Jettyhalli Village measuring 2200 sq.ft in S.F.No.39/1A2A by availing housing loan from bank and constructed a residential building in the said plot. In the meantime, on 08.07.2019, her husband met with an accident and died on the spot. Thereafter, the petitioner has taken legal proceedings claiming compensation by filing Claim Petition and the same is pending.

3. The petitioner further averred that the Government of Tamil Nadu evolved a Scheme for the welfare of destitute widows in the case of seeking employments in the Government and the Government of Tamil Nadu also directed and empowered all Revenue Divisional Officers and Sub Collector to issue a certificate to those destitute widows to uplift such persons to safeguard their families after the demise of their spouse. While such being the case, the petitioner being an educated, submitted a petition for the issue of Destitute Widow Certificate from the 2nd respondent. The 2nd respondent herein in her proceedings dated 23.07.2021, declined to issue the said certificate by citing the reasons that the petitioner owns valuable houses and after the demise of her husband, the petitioner received a lumpsum of Rs.15 lakhs. Aggrieved by the same, the petitioner is before this Court by filing this Writ Petition.

4.The learned counsel appearing for the petitioner submitted that the house property said to have been owned by the petitioner is still under housing loan and the bank has gone for attachment of the house for sale to realise the pending loan amount and as on date, the petitioner did not own any property in the name of the children. Further the petitioner did not receive any monthly compensation from the Government and the amount which was received earlier was only the contributory pension and the same was spent towards loan amount obtained by the petitioner. Therefore, rejecting the petitioner's application for issuance of destitute widow certificate, by citing the unjustifiable reasons is not sustainable and prays for appropriate orders.

5.The learned Government Advocate appearing for the respondents submitted that the petitioner herein has suppressed several material facts. At the time of enquiry, it was stated by the petitioner that the children of the petitioner herein were studying 9th and 7th Grade in a private owned educational institution, which is one among the top 3 premier schools in the Dharmapuri District. He further submitted that the Destitute widow scheme is one of the very few schemes, which requires the intervention of the Revenue Divisional Officer / Sub-Collector of the Revenue Division concerned to conduct a proper enquiry



and to issue the Destitute Widow Certificate. Though the petitioner herein complies with certain conditions, she fails to comply the condition that she must not possess any immovable properties in her name or in the name of the deceased husband or in receipt of any immovable property. In the present case on hand, the petitioner owns piece of house site in the Nallampalli Taluk. Further the petitioner herein claims that she is poor, however she fails to disclose the source of income through which the petitioner's children are being educated and therefore, the application submitted by the petitioner for issuance of certificate was rejected by the 2nd respondent and the said proceedings was issued after due verification of facts and therefore, it does not warrants interference of this Court and prays for dismissal of this petition.

6.This Court has carefully considered the rival submissions and also perused the materials placed before it.

7.Though the respondent claims that the children were studying in the reputed school, the children were admitted prior to the death of the petitioner's husband, which cannot be cited as a reason for denying the application and further the petitioner's property was taken over by the Bank by initiating appropriate proceedings and therefore, the reason for denying the application of the petitioner for issuance of certificate cannot be accepted. Hence, the impugned order passed by the 2nd respondent warrants interference.

8.In view of the above, this Writ Petition is allowed and the impugned order dated 23.07.2021 passed by the 2nd respondent is set aside and the matter is remanded back to the 2nd respondent for fresh consideration. However, it is open to the respondents to enquire as to any property is owned by the petitioner or her children and thereafter shall pass appropriate orders and the entire exercise has to be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. TheSecretary,
Govt. Social Welfare Department,
Fort St.George, Chennai.



2. The Sub-Collector,
Office of Sub-Collector,
Dharmapuri.

3. The Tahsildhar,
Nallampalli.
Dharmapuri District.

+1cc to Mr.M.Selvam, Advocate, S.R.No.66645

+1cc to the Government Pleader, S.R.No.66604

W.P.No.21607 of 2021

SS (CO)
RGA (24/01/2022)