



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.12.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.4274 of 2017

and

W.M.P.Nos.4442 & 4443 of 2017

K.Jayaram Raju

... Petitioner

Vs.

1. The District Collector,
Villupuram,
Villupuram District.

2. The Special Tasildhar,
Social Welfare Scheme,
Gingee, Gingee Taluk,
Villupuram District.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the proceedings in Na.Ka.No.A7/5705/2016 dated 03.11.2016 on the file of the 2nd respondent and quash the same.

For Petitioner : R.Rajarajan

For Respondents: Mrs.C.Meera Arumugam
Additional Government Pleader

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorari Mandamus, to call for the records of the proceedings in Na.Ka.No.A7/5705/2016 dated 03.11.2016 on the file of the 2nd respondent and quash the same.

2. It is the case of the petitioner that he is an agriculturist, having two acres of land and the petitioner and his wife eked out their livelihood by cultivating the aforesaid agricultural land. The petitioner is having two sons and two daughters out of his wedlock and he provided good education to his children. Now, the first son of the petitioner is Doctor and the second son is Garment Designer in Bangalore and two daughters got married and settled with their families at



Bangalore. In the year 2006 to 2007, he sold the two acres of land to settle the loan amounts borrowed by the petitioner for the education and marriage expenses of his children. Now the petitioner and his wife are living in the rented house at Sathyamangalam Village. Therefore, he applied for old age pension and his name is included in the list of below poverty line. The 2nd respondent has allowed the petitioner for old age pension, by an order dated 24.08.2010. Later, on 11.10.2014, the 2nd respondent passed an order stopping the old age pension to the petitioner. Aggrieved over the same, the petitioner is before this Court.

3. Mrs.C.Meera Arumugam, learned Additional Government Pleader, appearing for the respondents submitted that the petitioner's first son is a Doctor and settled in Coimbatore and second son is working as Garment Designer at Bangalore and two daughters got married and settled in Bangalore. The petitioner owned 7.00 acres of land at Sathyamangalam Village and he sold all the properties owned by him 10 years back and settled in Bangalore along with his children. During the year 2010, he has given false statements and obtained the Old Age Pension and after an enquiry, the pension benefit was stopped to the petitioner.

4. The learned Additional Government Pleader further submits that the Government implemented the Pension Scheme for the most vulnerable sections of the society i.e., old aged, widows, deserted wives, unmarried women, differently abled persons etc., who are destitute. The petitioner cannot be considered as a destitute and he will not come under below the poverty line. That apart, the petitioner is having two well settled sons, who can take care of their parents and no where, it is stated that the children abandoned the parents.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

6. Government Schemes are for the purpose of improving the livelihood of the people, who are below the poverty line and providing security to the poor people. In the present case, the petitioner is not below the poverty line and admittedly, he had 7 acres of land, which he sold and settled at Bangalore along with his children and no where it is stated that both the sons and daughters deserted their parents. Therefore, this Court does not find any good reason to consider the request made by the petitioner as both his sons are well settled and they are in a position to take care of their parents. The Scheme is available for elders who have been deserted with no means. No where in the petition, the petitioner ever stated he was deserted by his four



well settled children with no means. In such circumstances, the Pension Scheme cannot be granted to the petitioner. In such an event, it is clear that this petition is nothing but a frivolous one and clear abuse of process of law and this petition is liable to be dismissed with heavy costs. However, this Court restrained to do so.

7. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The District Collector,
Villupuram,
Villupuram District.
2. The Special Tasildhar,
Social Welfare Scheme,
Gingee, Gingee Taluk,
Villupuram District.

+lcc to R.Rajarajan, Advocate, S.R.No.68789
+lcc to the Government Pleader, S.R.No.68709

W.P.No.4274 of 2017
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NSK 20/01/2022