



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P.(MD)Nos.8705, 8750, 8752 and 8753 of 2021
and W.M.P.(MD) Nos.6584 to 6588, 6567 and 6568 of 2021

(Through Video Conferencing)

Sebasthiammal ... Petitioner in
W.P.No.8705/2021

Soosairaj ... Petitioner in
W.P.No.8750/2021

Lourdu ... Petitioner in
W.P.No.8752/2021

Muthukaruppan ... Petitioner in
W.P.No.8753/2021

Vs.

1.The District Collector
Sivagangai District

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

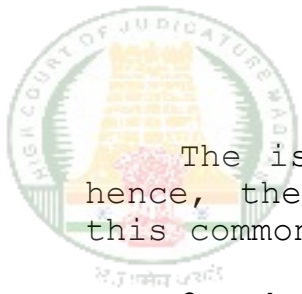
3.The Special Tahsildar,
Devakottai Taluk
Sivagangai District.

... Respondents in
all W.Ps.

COMMON PRAYER : Writ Petitions are filed under Article 226 of the Constitution of India for issuance of a Writs of Certiorari and Mandamus to call for the records pertaining to the impugned orders of the 2nd respondent dated 02.07.2019 and 18.07.2019 in Na.Ka.A3/11154/2018 & O.Mu.A3/11154/2018 respectively, and quash the same and consequently direct the respondents to restore family old age pension to the petitioners.

For Petitioner :Mr.J.Anandkumar(all the cases)

For Respondent :Mr.M.Lingadurai
Government Advocate (Civil)
(all the cases)

**COMMON ORDER**

The issue involved in all these writ petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2. The subject matter of challenge in all these writ petitions is the impugned orders of the second respondent dated 02.07.2019 and 18.07.2019 respectively, wherein, the old age pension that was granted to the petitioners was withdrawn on the ground that the petitioners have an alternative source of income through business.

3. Insofar as the petitioner in W.P.(MD) No.8705 is concerned, she has been receiving the old age pension from the year 2009 onwards. Insofar as W.P.(MD) No.8750/2021 is concerned, he has been receiving from the year 2013 onwards. With regard to the other two writ petitioners, they have been receiving the old age pension from the year 2010 onwards.

4. The grievance of the petitioners is that the old age pension has been abruptly stopped by virtue of the order passed by the second respondent and that this order was passed behind the back of the petitioners without giving them any opportunity.

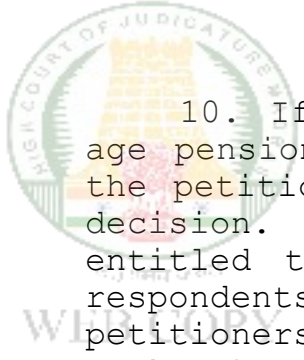
5. The petitioners made a representation in this regard to the District Collector, Sivagangai and the District Collector in turn directed the third respondent to conduct an enquiry and submit a report. Even this direction was not complied with and left with no other option, all these writ petitions have been filed before this Court.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Civil) for the respondents.

7. Admittedly all the petitioners were receiving old age pension under the scheme devised in G.O.Ms.No.265 dated 10.09.2011. The petitioners are receiving a paltry sum of Rs.400/- as monthly pension. If the second and third respondents had entertained any doubt with regard to the entitlement of the petitioners to receive the pension, the minimum that should have been done is to issue a notice to the petitioners and call them for an enquiry and thereafter the order should have been passed.

8. The order of the second respondent results in civil consequences and therefore, the principles of natural justice will have to be necessarily followed.

9. In view of the above discussion, the impugned order passed by the second respondent in each of the writ petition is liable to be quashed for non compliance of the principles of natural justice and accordingly, the same is quashed.



10. If the second and third respondents want to stop the old age pension paid to the petitioners, they have to issue notice to the petitioners and give them an opportunity and thereafter take a decision. Till this process is undertaken, the petitioners are entitled to receive the Old Age Pension. The second and third respondents are directed to pay the arrears of pension to the petitioners from July 2019 up to June 2021 within a period of six weeks from the date of receipt of a copy of this order. The petitioners are entitled to continue to receive the pension under the Scheme till the same is cancelled in the manner known to law after affording an opportunity to the petitioners.

11. In the result, all the writ petitions are allowed with the above directions. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector
Sivagangai District

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Special Tahsildar,
Devakottai Taluk
Sivagangai District.

+1 CC to SPL GP (SR-20053[F] dated 23/06/2021)

W.P. (MD) Nos.8705, 8750, 8752 and 8753 of 2021
22.06.2021

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