



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 15.02.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH**

**AND**

**THE HONOURABLE MRS. JUSTICE S.ANANTHI**

**W.A. (MD)No.645 of 2019  
and CMP (MD) No.5403 of 2019**

1.The District Collector  
Office of the District Collector  
Tuticorin District  
Tuticorin.

2.The Tahsildar,  
(Social Security Scheme)  
Ettiaiyapuram  
Tuticorin District.

3.The Tahsildar,  
(Social Security Scheme)  
Vilathikulam Taluk  
Vilathikulam  
Tuticorin District.

:Appellants

Vs.

Lakshmi

: Respondent

PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P.(MD) No.8450/2017 dated 09.10.2018.

Prayer in WP(MD). 8450/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the respondents to pay the amount due to the petitioner towards her DWP.103/11/98/KLP (Destitute Women Pension) for the period from Feb 2004 as communicated by the 2nd respondent in his reference in Na.Ka.No. Sa.Pa.Thi2/1897/13 dated 17.02.2014 and to continue to pay the same and pass such further or other orders as this Honble Court.

For Appellants

:Mr.K.P.Krishnadoss  
Special Government Pleader

For Respondent

:Mr.S.Natarajan



**JUDGMENT**

**(Judgment of the Court was delivered by M.M.SUNDRESH, J.)**

This writ appeal has been preferred against the order of the learned single Judge, who, in turn, allowed the writ petition by issuing a direction to the appellants to pay pension under the destitute women category from the year 2004 onwards with arrears.

2.The learned Special Government Pleader for the appellants submitted that the respondent writ petitioner has been living with one Rajaram. He is a man of sufficient means having 20 acres of land. The ration card also would indicate that she is living with him. That is the reason why, the pension scheme to the respondent has been stopped.

3. The learned counsel for the respondent submitted that the aforesaid submission is not factually correct. Even assuming that she is living with some other person, the pension cannot be stopped abruptly, without conducting enquiry. The respondent has been stopped with the payment of pension abruptly on the premise that she can be taken care of by her relatives. The relevant Government Order states that only when a woman become destitute, meaning thereby, the relatives are not in a position to take care of her, the scheme would apply. It is a beneficial scheme subject to the compliance of the terms and conditions indicating that a person is entitled for the said concession. Though we find that stopping of the payment abruptly cannot be sustained, the learned Judge ought not to have undertaken any enquiry in this regard and especially, by ordering payment with retrospective effect from the date of the stoppage.

4. In such view of the matter, the writ appeal stands disposed of by directing the appellants to put the respondent writ petitioner on notice, conduct an enquiry and thereafter pass a final order. Appropriate orders will have to be passed within eight weeks from the date of receipt of a copy of this order. If the respondent writ petitioner is found to be entitled to continue the payment under the scheme, it should be paid accordingly from the date, in which, it is stopped. No costs. Consequently connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



To

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Tuticorin District.

+1 CC to Mr.S.NATARAJAN, Advocate ( SR-5178[F] dated 15/02/2021 )

+1 CC to SPL GP ( SR-5307[F] dated 16/02/2021 )

**Order made in  
W.A. (MD) No.645 of 2019  
15.02.2021**

KM (02.03.2021) 3P 6C