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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WRIT PETITION NO.23665 OF 2015

&

W.M.P.NO.31272 OF 2016

S.Amudha

... Petitioner

-Vs-

1. The Tahsildar,
Perambur Taluk,
Perambur,
Chennai - 600 102.
2. The Tahsildar,
Ayanavaram Taluk,
Ayanavaram,
Chennai - 600 023.
3. The District Collector,
Chennai District,
Chennai - 600 001.
4. The Secretary,
Social Welfare Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to issue the Government Welfare Scheme grants namely DRS & Widow Pension to the petitioner based on the petitioner's applications dated 29.11.2013 within a reasonable period.

For Petitioner : No appearance

For Respondents : Mr.N.Senthil
Government Advocate



O R D E R

Petitioner has preferred the writ petition for a direction, directing the respondents to grant the Distress Relief Scheme fund and Widow Pension on the basis of application made by her on 29.11.2013.

2. The case of the petitioner is that the petitioner's husband was working as a carpenter on daily wages. Suddenly he died on 13.09.2013 leaving behind herself and her children as the legal heirs. As the petitioner has no source of income, she started working as a domestic worker in the neighbouring houses. Since, the income of the petitioner was very meager, she could not cater the educational expenses of her children. She applied to the respondents on 29.11.2013 for DRS (Distress Relief Scheme) fund and Widow Pension. The 1st respondent sanctioned the relief vide W.P./S/No.457, Tapal No.P1/11576/13,R.I -I. While the money was about to be disbursed, the general elections came in between and the Perambur Taluk was bifurcated into two and new Ayanavaram Taluk was established. Since the petitioner's residence fall within the jurisdiction of Ayanavaram Taluk, the papers could not be traced. Therefore, she has filed the writ petition for the release of DRS (fund) and Widow Pension.

3. Resisting the claim, the respondents filed a counter affidavit stating that the petitioner is not entitled to the relief as she is not falling within the criteria for grant of Distress Relief Scheme fund and Widow Pension. Her late husband left behind a property worth more than Rs.15,00,000/- (Rupees Fifteen Lakhs only). On enquiry, it was found that the petitioner's family was receiving an income of Rs.10,000/- per month and that the petitioner is paying house tax of Rs.656/- per annum, bi-monthly electricity charges of Rs.700/- and water and sewerage tax of Rs.198/- per month. As per the scheme, a person who owns a property worth above Rs.50,000/- is not eligible to get Distress Relief Scheme fund and Widow Pension. Therefore, the petitioner is not entitled to receive the Distress Relief Scheme fund and Widow Pension and no such sanction was accorded for the same by the 1st respondent.

4. From the counter affidavit, it is noted that the petitioner is having an income of approximately Rs.10,000/- per month and owns a property worth around Rs.15,00,000/- (Rupees Fifteen lakhs only). Even assuming that the property cannot be valued around Rs.15,00,000/- (Rupees Fifteen lakhs only), it can be presumed that it will not be lesser than Rs.50,000/-. As per the scheme, a person who owns a property worth above Rs.50,000/- is not entitled to be granted the social welfare benefits. Therefore, the petitioner's claim for grant of the benefits



given to the poor destitute widow is not applicable. Accordingly, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sha/kpr

To

1. The Tahsildar,
Perambur Taluk,
Perambur,
Chennai - 600 102.
2. The Tahsildar,
Ayanavaram Taluk,
Ayanavaram,
Chennai - 600 023.
3. The District Collector,
Chennai District,
Chennai - 600 001.
4. The Secretary,
Social Welfare Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

+1cc to the Government Pleader, S.R.No.11084

W.P.NO.23665 OF 2015 &
W.M.P.NO.31272 OF 2016

MT(CO)
PBS/15/03/2022