



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3418 of 2022

and

W.M.P. [MD]No.2991 of 2022

S.Kalaivani

... Petitioner

Vs.

1.Tamil Nadu Social Welfare Officer,
Panagal Building,
Saidapet,
Chennai - 600 015.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The District Social Welfare Officer,
Collectorate,
Thanjavur District,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the non-communicative order dated 03.05.2021 rejecting the petitioner's application submitted under the scheme of Dr.Dharmambal Ammaiyar Widow Remarriage Financial Assistance and quash it and subsequently direct the third respondent to release the benefits relating to the said scheme within the time fixed by this Court.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.B.Saravanan

Additional Government Pleader

O R D E R

This writ petition has been filed challenging the online order dated 03.05.2021 passed by the third respondent rejecting the petitioner's application seeking for financial assistance under Dr.Dharmambal Ammaiyar Widow Remarriage Financial Assistance Scheme.

2.It is the case of the petitioner that without any opportunity of hearing the third respondent has passed the impugned non-speaking order rejecting the petitioner's application seeking for financial assistance under the Dr.Dharmambal Ammaiyar Widow Remarriage Financial Assistance Scheme. It is the contention of the petitioner that her first husband one Kumar Karuppaiah, died on 05.10.2015 and thereafter she has remarried to one Senthamil Selvan on 01.09.2019. According to the petitioner, she is entitled to seek financial



assistance under the aforementioned scheme.

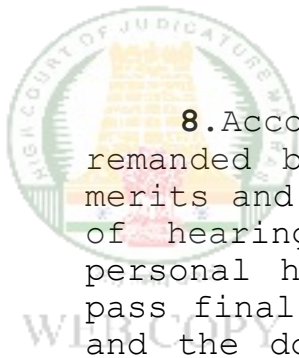
3. Earlier since her application was not considered she had approached this Court and a direction was given by this Court by its order dated 20.11.2020 passed in W.P.[MD]No.16336 of 2020 to the respondents to dispose of the petitioner's application seeking for financial assistance under the aforementioned scheme within a period of eight [8] weeks from the date of receipt of the said order. Thereafter, the impugned order dated 03.05.2021 came to be passed rejecting the petitioner's request for financial assistance under the aforementioned scheme. Aggrieved by the same, this writ petition has been filed on the ground that principles of natural justice has been violated and the petitioner's documents in support of her claim for financial assistance has not been considered in the impugned order.

4. Heard Mr.K.K.Samy, learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, appearing for the respondents.

5. Admittedly the impugned order is an one line order and is a non-speaking one. Before this Court the petitioner has produced documents to show that her first husband one Kumar Karuppaiah died on 05.10.2015 and only thereafter she has remarried one Senthamil Selvan on 01.09.2019. The petitioner claims that she is entitled for financial assistance under Dr.Dharmambal Ammaiyar Widow Remarriage Financial Assistance Scheme introduced by the Government. However, under the impugned order, the petitioner's documents that have been placed before this Court were not considered and the petitioner's application has been rejected only on the ground that the petitioner has not produced the widow certificate.

6. It is the contention of the petitioner that documentary evidences were produced before the third respondent to prove that the petitioner is a widow and is entitled for financial assistance under Dr.Dharmambal Ammaiyar Widow Remarriage Financial Assistance Scheme, but the same has not been considered in the impugned order.

7. This Court has perused and examined the impugned order. Except for stating that the petitioner has not produced the widow certificate, the documents placed by the petitioner before this Court which according to the petitioner was placed before the third respondent also has not been considered in the impugned order. Therefore, this Court is of the considered view that principles of natural justice has been violated by the third respondent and hence the impugned order dated 03.05.2021 has to be necessarily quashed and the matter has to be remanded back to the third respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner.



8. Accordingly, the impugned order is quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner including granting the right of personal hearing to the petitioner and the third respondent shall pass final orders after giving due consideration to the explanation and the documents submitted by the petitioner within a period of twelve [12] weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

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. Tamil Nadu Social Welfare Officer,
Panagal Building,
Saidapet,
Chennai - 600 015.

2. The District Collector,
Thanjavur District,
Thanjavur.

3. The District Social Welfare Officer,
Collectorate,
Thanjavur District,
Thanjavur.

+1 CC to M/s.K.K.SAMY, Advocate (SR-8620[F] dated 25/02/2022)

+1 CC to M/s.SPL GP (SR-8369[F] dated 24/02/2022)

W.P. [MD] No. 3418 of 2022
23.02.2022

SK(CO)

KB(08.03.2022) 3P 6C

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