



W.P.No.35817 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.35817 of 2019
and W.M.P.No.36711 of 2019

Tamilthendral @ Kavitha

... Petitioner

Vs.

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Commissioner,
Poonamallee Municipality,
Poonamallee,
Chennai – 56.

3.Block Development Officer,
Ettima Nagar,
Poonamallee,
Chennai 600 056.

4.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai-56.

...Respondents



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The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records of the order of the third respondent Proceedings in Na.Ka.No.2099/2016/A1 dated 27.10.2016 and to quash the same and direct the respondents to pay the amount as per the Ramaurtham Ammayar Memorial Marriage Benefit Scheme of the Government.

For Petitioner : Mr.P.Ravi Shankar Rao

For Respondents : Mr.M.Alagu Goutham, GA
for RR-1, 2 and 4
Mr.D.Suriyanarayanan for R-3
for R3

ORDER

Seeking quashment of the impugned order of the 3rd respondent dated 27.10.2016 and consequent direction for payment of the amount in terms with the Ramaurtham Ammayar Memorial Marriage Benefit Scheme of the Government, the present writ petition has been filed.



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2. It is the case of the petitioner that for the purpose of availing marriage assistance under the Ramaurtham Ammayar Memorial Marriage benefit scheme of the Government, she approached the 3rd respondent and submitted application on 23.03.2013, which was registered on 26.04.2013. It is the further case of the petitioner that her marriage was solemnized on 15.05.2013 at Devi Karumariamman Temple at Thiruverkadu. However, the petitioner's application was returned on 04.11.2013 for want of income certificate, which was duly submitted by the petitioner with the 3rd respondent on 2.12.2013. In the interregnum, the benefit under the aforesaid scheme was increased by the Government from Rs.24,000/- to Rs.72,000/-. In spite of the fact that the benefit had not yet been disbursed to her, the petitioner restricted her claim to Rs.24,000/- which was prevalent on the date when she submitted her application. When the matters stood thus, anticipating disbursement of the amount, out of blue, on 27.10.2016, the 3rd respondent rejected the application of the petitioner on the ground that the petitioner has not submitted her school certificate, income certificate and residential proof.



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Challenging the said order, the present writ petition has been filed.

3. Learned counsel appearing for the petitioner submitted that the scheme has been introduced to benefit poor persons from getting married and to that end, the scheme has been formulated. However, on technicalities, the claim of the petitioner is sought to be negated by the 3rd respondent. It is the further submission of the learned counsel that the 3rd respondent failed to provide any opportunity to the petitioner to put forth her case before passing the order of rejection. The order of the 3rd respondent is not only erroneous, but is in violation of principles of natural justice and, therefore, the same deserves to be set aside.

4. The learned Government Advocate appearing on behalf of the respondents submitted that the petitioner has not produced her 10th standard certificate as well as residential proof. Hence, the third respondent has rightly passed the present impugned order, which cannot be interfered with.



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5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. The impugned order has come to be passed by the 3rd respondent on the ground that the discrepancies pointed out by the authority in person with regard to the documents, have not been complied with, within the prescribed period of six months and, therefore, the application of the petitioner dated 4.11.2013 was rejected. The impugned order has come to be passed on 27.10.2016. However, the first and foremost thing, which is to be noted is the fact as to the date when the authority, in person, is alleged to have put the petitioner on notice with regard to the discrepancies in the document. In the absence of any material, more particularly any material in black and white with regard to the authority meeting the petitioner in person and putting her on notice with regard to the discrepancies in the document, the rejection of the application of the petitioner on that ground is erroneous and perverse.



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7. Be that as it may. The marriage of the petitioner was solemnized on 15.5.2013 for which application was submitted on 23.3.2013, which was registered on 26.4.2013. Thereafter, the application was returned for non-furnishing of income certificate, which was complied with and submitted to the 3rd respondent on 2.12.2013. Though the Government had increased the benefit from Rs.24,000/- to Rs.72,000/- in the meanwhile, however, the petitioner had restricted her claim for Rs.24,000/-, the amount, which was prescribed on the date when her marriage was solemnized.

8. Thereafter, the 3rd respondent wanted verification of the 10th Standard school certificate and as the petitioner had lost the same, she had applied for duplicate copy and produced the same with the 3rd respondent on 23.11.2015. Further, with regard to clarification in the name of the petitioner, necessary certificate issued by the Village Administrative Officer dated 24.06.2015 was submitted by the petitioner in which the Village Administrative Officer had stated that the name of



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the petitioner as found in the ration card as also the other documents is one and the same person.

9. All the aforesaid documents have been submitted by the petitioner as early as on 23.11.2015. However, as pointed out above, there is no whisper as to the date on which the authority had met the petitioner in person and called upon her to submit the documents sought for by the 3rd respondent.

10. It is the duty of the respondents to address the petitioner and serve a copy upon her, which alone could be taken as proof to claim non-compliance of the request of the authority for the purpose of negating the claim of the petitioner. However, there is no material available on record to show as to when the petitioner was put on notice with regard to the discrepancies in the documents or if at all the petitioner was put on notice.

11. One other fact, which is writ large on the materials available on



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record is the fact that the petitioner had submitted all the requisite documents, as called for by the 3rd respondent as early as on 23.11.2015. However, for reasons best known to the 3rd respondent, the 3rd respondent had remained silent and had passed the order on 27.10.2016, almost after a lapse of eleven months rendering a finding that the documents called for from the petitioner have not been submitted within the period of six months and, therefore, the claim for extending the benefit of the scheme could not be granted. In the absence of any material to show that the petitioner had not complied with the request within the prescribed period and the delay on the part of the 3rd respondent to pass the impugned order, which is bereft of any explanation with regard to the date on which the petitioner was put on notice, the negation of the claim of the petitioner for availing the benefit of the Scheme is not only arbitrary and perverse, but is an act to shield the incompetency of the 3rd respondent in dealing with the issue within the time frame, which warrants imposition of costs on the 3rd respondent.

12. For the reasons aforesaid, the writ petition is allowed by setting



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aside the order passed by the 3rd respondent and further directing the 3rd respondent to release the amount of Rs.24,000/- (Rupees Twenty Four Thousand only) to the petitioner within a period of four weeks from the date of receipt of a copy of this order. This Court imposes a cost of Rs.5,000/- (Rupees Five Thousand only) on the then third respondent, who passed the impugned order dated 27.10.2016, which amount shall be paid to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

29.03.2023

Rli/GLN

Index: yes / no

To

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4. The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai-56.

M.DHANDAPANI, J.

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5. The Member Secretary
Tamil Nadu State Legal Services Authority,
High Court, Madras.

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