



W.P(MD)No.80 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.80 of 2023

and

W.M.P.(MD)No.90 of 2023

Esakiammal

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent herein dated 07.10.2022 and quash the same and consequently direct the 1st respondent to issue the destitute widow certificate within the time frame fixed by this Court.

For Petitioner : Mr.P.P.Alwin Balan

For Respondents : Mr.G.Suriyanandh,
Addl. Government Pleader.



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ORDER

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Heard the learned counsel on either side.

2.The petitioner claims that she is a “destitute widow” and that the first respondent must issue certificate to that effect. The first respondent after holding enquiry came to the conclusion that the petitioner is earning Rs.5,000/- per month and that her the annual income is Rs.60,000/-. The first respondent applied G.O.(Ms) No.89, dated 05.07.2006 which states that any person getting income above Rs.48,000/- will not be entitled to destitute widow certificate. My attention is drawn to the order dated 26.11.2021 made in W.P.No.6607 of 2017 (R.Vanitha Vs. The Tahsildar, Egmore Taluk, Chennai District and Another). The learned Judge after taking into account the cost inflation index came to the conclusion that any widow earning below Rs.8,700/- per month must be considered as destitute widow. Paragraph No.6.10 of the said order reads as follows:-

“6.10. As already stated above, the G.O.Ms.No.89, dated 5.7.2006 has clarified that the term "destitute widow" as a widow, whose total monthly income from all sources is not more than Rs.4000/- in the year 2006. The impugned order was passed in the year 2016 (i.e.17.11.2016) and as per the above calculation, this Court feels it appropriate to define



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a 'destitute widow' whose total monthly income from all sources is not more than Rs.8,700/-. Therefore, the petitioner cannot be denied to be considered her as destitute widow even assuming that she was earning Rs.6000/- p.m. in the year 2016. In fact, on one side both the Central and State Governments are taking enough initiative steps to promote women empowerment by introducing different schemes and policies. While so, it is very unfortunate to note that even for issuance of a destitute widow certificate to the petitioner, who lost her husband at young age and struggling to maintain herself and her two minor sons, the respondents acted in a stringent manner and denied the same to her, which necessitated her to approach this Court and in the mean time, five years have lapsed.”

3.In the case on hand, even according to the respondent, the petitioner's annual income is only Rs.60,000/-. Therefore, applying the aforesaid decision, I set aside the order impugned in the writ petition. The respondents are directed to issue destitute widow certificate to the petitioner as prayed for immediately and without any delay.

4.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

02.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:

- 1.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 2.The Tahsildar,
Ambasamudram Taluk,
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