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W.P.(MD)No.1496 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1496 of 2023

Selvarani

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Sankarankovil,
Tenkasi District.

2.The Tahsildar,
Taluk Office,
Thiruvengadam,
Tenkasi District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent vide his proceedings in RDOSKL/1796/2022-A4 on 19.01.2023 and quash the same as illegal and direct the first respondent to issue "Destitute Widow" certificate to the petitioner.

For Petitioners : Mr.R.Nandhakumar

For Respondent : Mr.M.Siddharthan
Additional Government Pleader

**ORDER**

WEB COPY Heard the learned counsel on either side.

2.The petitioner got married to one Thiruppathi. He passed away. The petitioner wants this Court to direct the first respondent to certify her as a Destitute Widow. The first respondent has taken the stand that the petitioner is working as a Teacher in Sri Mahalakshmi Matric High secondary School and she is earning a sum of Rs.5900/- per month and that therefore she cannot be called as destitute. However, the said Management has issued a certificate dated 22.12.2021, mentioning that the petitioner is getting a sum of Rs.4000/- as a consolidated pay per month.

3.There is nothing on record to indicate that the petitioner is getting a higher sum as monthly salary. Merely because the petitioner is being supported by her mother and that her brother is a practicing lawyer, that cannot have any bearing on the petitioner's claim. My attention is also drawn to the order dated 26.11.2021 made in W.P.(MD)No.6607 of 2017 (R.Vanitha Vs Tahsildar, Egmore Taluk, Chennai District), in which it has been mentioned that a person whose earning is below Rs.8,700/-



must be categorized as destitute. On the other hand, G.O.Ms.No.89 dated 05.07.2006 has prescribed the limit of Rs.48,000/- per annum. The petitioner is well within the limit set out in the aforesaid Government Order. The impugned order is not based on any material having probative value. The first respondent has made an assumption on her own.

4.In these circumstances, the order impugned in this writ petition is set aside and the first respondent is directed to issue certificate to the petitioner as Destitute Widow. This shall be done within a period of four weeks from the date of receipt of a copy of this order.

5.Accordingly, this Writ Petition is allowed. No costs.

20.02.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes/ No

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WEB COPY

To

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Sankarankovil,
Tenkasi District.

2. The Tahsildar,
Taluk Office,
Thiruvengadam,
Tenkasi District.

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G.R.SWAMINATHAN,J.

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