



W.P(MD)No.8134 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8134 of 2015

M.Meenalochini

... Petitioner

Vs

- 1.The District Collector,
District Collector Campus,
Theni District.
- 2.The District Social Welfare Officer,
District Collector Campus,
Theni District.
- 3.The Block Development Officer,
Panchayat Union,
Periyakulam,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Se.Mu.Na.Ka.No.756/A1/2014 dated 20.04.2015 passed by the second respondent and quash the same and consequently directing the respondents to provide the fund to the Petitioner under the Moovalur Ramamirtham Ammaiyar Marriage Fund Scheme.



WEB COPY



W.P(MD)No.8134 of 2015

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr.R.Maheswaran

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner belongs to MBC category. Her Marriage with Advocate V.Elaiyaraja was solemnized on 21.05.2014 at Pallapatti and it was also registered at Sub Registrar Office, Nilakottai. The petitioner had earlier applied to the local body on 21.05.2014 seeking financial assistance under Moovalur Ramamirtham Ammaiya Marriage Scheme. The case of the petitioner is that since she had completed higher secondary course and she fulfilled the other eligibility requirements, she is entitled to get Rs.25,000/- (Rupees Twenty Five Thousand only) plus 4 grams of gold. The petitioner's request was rejected vide order dated 10.07.2014. The petitioner thereupon filed W.P(MD)No.12743 of 2014. Vide order dated 05.08.2014, this Court set aside the rejection order passed by the jurisdictional Block Development Officer and remanded the matter for fresh consideration. Thereafter, enquiry was conducted and the impugned order came to be passed once again rejecting the petitioner's request. Challenging the same, the present writ petition came to be filed.



W.P(MD)No.8134 of 2015

3. The learned counsel appearing for the petitioner submitted that the only ground on which the respondents have negated the petitioner's request was that according to them, the marriage was not solemnized on 25.05.2014 but on 22.05.2013. The learned counsel would contend that when the marriage certificate has been enclosed, it carries a statutory presumption and that therefore the order impugned in the writ petition deserves to be set aside.

4. The learned Additional Government Pleader on the other hand submitted that the impugned order has been passed after conducting a detailed field enquiry. The respondents have filed a copy of the marriage invitation indicating that the marriage between the petitioner and Advocate V.Elaiyaraja was solemnized on 22.05.2013. He would contend that the authorities would not go to the extent of fabricating the invitation card. The respondents argue that the marriage invitation as if the marriage was to be solemnized on 21.05.2014 has been printed for the purpose of availing financial assistance under the scheme. He pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.



W.P(MD)No.8134 of 2015

6. The learned counsel appearing for the petitioner even while assailing the impugned order on legal grounds submitted that the husband of the petitioner is a practising lawyer and that to satisfy the Court's conscience, he may be enquired. I felt that the copy of the invitation enclosed in the typed set of papers filed by the learned Additional Government Pleader is genuine. When I queried Advocate V.Elaiyaraja, he submitted that the petitioner Meenalochini was born of 09.04.1996 and that on 22.05.2013, she was still a minor. He had already enrolled as a lawyer by then and that he did not want to commit an offence under the POCSO Act by getting married. The petitioner was related by blood even prior to marriage and that is why both the families chose to finalise the alliance disregarding the age limit set out in the statute. He added that he stopped the marriage and got married to the petitioner after she attained the age of majority. The explanation given by Advocate V.Elaiyaraja is probable and convincing. In the rejection order passed on 10.07.2014 it had been mentioned that field inspection was held on 24.05.2014 and that it was informed that marriage had taken place in May 2013 and that Meenalochini was pregnant. I posed a direct question to Advocate V.Elaiyaraja as to when the first child was born. He categorically stated that the first child was born on 31.05.2016.



W.P(MD)No.8134 of 2015

7. The petitioner has enclosed the certificate issued by the local Village Administrative Officer on 15.05.2014 that the marriage of the petitioner to be held on 25.05.2014 in the house of the groom would be her first marriage. If the petitioner had already got married in May 2013, the Village Administrative Officer, Devadhanapatti, could not have issued certificate dated 15.05.2014. It is not in dispute that the petitioner had given an application seeking assistance under the scheme on 21.05.2014 itself. The marriage was also formally registered on 13.06.2014 on the file of the Sub Registrar, Nilakkottai. Section 11(2) of the Tamil Nadu Registration of Marriages Act, 2009 is as under:

“11 (2) All extracts given under this section shall be certified by the Registrar and shall be admissible in evidence for the purpose of proving the marriage to which the entry relates.”

Thus the certificate filed by the petitioner is admissible in evidence for the purpose of proving her marriage with Advocate V.Elaiyaraja. So long the said certificate is holding good, it is not open to the respondents to deny the factum of marriage. It is stated that the petitioner and Advocate V.Elaiyaraja are happily living as wife and husband and through the wedlock two children have been born.



W.P(MD)No.8134 of 2015

8. The Government of Tamil Nadu has introduced a laudable scheme vide G.O(Ms)No.49 Social Welfare Department dated 26.07.2011. Such beneficial schemes must be broadly interpreted and applied. The authorities ought not to reject the application on flimsy grounds. The reasons set out in the impugned order are patently unsustainable. The authorities has proceeded on conjectures and surmises. The authorities failed to note that in May 2013, the petitioner was a minor and that therefore a valid marriage could not have been performed. Since V.Elaiyaraja is a practising lawyer, he obviously chose to stop the marriage which would have been a child marriage otherwise. In this view of the matter, the order impugned in this writ petition is set aside.

9. This writ petition is allowed accordingly. The respondents are directed to provide financial assistance under the petition mentioned scheme to the petitioner without any delay.

10. At this stage learned Additional Government Pleader informs the Court that the petition mentioned scheme is no longer in force.

11. There is no merit in his contention. The rights of the petitioner will be governed by the position that obtained when she submitted the application



W.P(MD)No.8134 of 2015

on 21.05.2014. The fact that Moovalur Ramamirtham Ammaiyar Marriage

Scheme has now been scraped is irrelevant. The respondents are only going to pay a quantified monetary sum to the petitioner herein. It is for the respondents work out the requisite administrative formalities. There shall be no order as to costs.

29.08.2023

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

To

- 1.The District Collector,
District Collector Campus,
Theni District.
- 2.The District Social Welfare Officer,
District Collector Campus,
Theni District.
- 3.The Block Development Officer,
Panchayat Union,
Periyakulam,
Theni District.



WEB COPY



W.P(MD)No.8134 of 2015

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.8134 of 2015

29.08.2023