



WP (MD) No.2050 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP (MD) No.2050 of 2016
and
WMP (MD) No.1772 of 2016

K.Karpukarasi

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned order in OMU.A2/2022/2015 dated 05.03.2015 (signed on 25.05.2015) passed by the respondent No.2 and quash the same as illegal and consequently direct respondent No.2 to issue destitute widow certificate to the petitioner.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.J.K.Jeyaseelan,

Additional Government Pleader



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ORDER

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This writ petition is filed as against the orders of the 2nd respondent dated 05.03.2015. By the order impugned in this writ petition, the request of the petitioner to issue destitute widow certificate has been rejected by the Revenue Divisional Officer, Tenkasi that she is living with her mother.

2.The learned Counsel for the petitioner submits that the petitioner belongs to the schedule caste community and she was married to one Kalidoss. When her husband was working in Kerala as daily wage, he died on 12.04.2012 and death certificate is also issued by the authority concerned in Kerala. The learned Counsel further submits that her father died long back. Her mother is aged, her brother and sister have got married and they are living separately.

3.This writ petition was filed in the year 2016 and is pending for the past six years. However the respondents have not filed their counter in this writ petition and not even written instruction has been filed by the



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respondents to ascertain whether this petitioner is living with her mother and she is having sufficient means to maintain herself.

4.Perusal of the impugned order reveals that the request of the petitioner for grant of destitute widow certificate was rejected on the ground that the petitioner is having her mother's support. The petitioner has made a specific averment in the affidavit filed in support of the petition that her father Chellappa died long back and she is not living with her mother. This averment made by the petitioner has not been disputed or denied by the respondent by filing their response. Therefore, this writ petition is allowed. The impugned order is set aside. The respondents are directed to issue destitute widow certificate to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

23.02.2023

Internet : Yes / No



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To

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Tirunelveli.

2.The Revenue Divisional Officer,
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Tirunelveli District.



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B. PUGALENDHI, J.

dsk

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