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W.A.(MD) No.1116 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.A.(MD) No.1116 of 2023
and
C.M.P.(MD) No.8560 of 2023**

- 1.The State of Tamil Nadu
rep.by its Secretary
Social Welfare and Nutritious
Meal Programme Department
St.George Fort, Chennai-600 009
- 2.The District Collector
Nagercoil
Kanyakumari District
- 3.The District Social Welfare Officer
O/o.District Social Welfare Office
Nagercoil, Kanyakumari District
- 4.The Tahsildar
Vilavancode Taluk
Kuzhithurai
Kanyakumari District

... Appellants

-vs-

Rajasekharan

... Respondent



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 30.04.2019, passed in W.P.(MD) No.9143 of 2019, on the file of this Court.

For Appellants : Mr.M.Lingadurai
Special Government Pleader

J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 30.04.2019, passed in W.P.(MD) No.9143 of 2019, disposing of the writ petition filed by the respondent / writ petitioner.

2. The first respondent filed the writ petition for issuance of a writ of mandamus directing the appellants to sanction and disburse the amount of Rs.50,000/- (Rupees fifty thousand only) and a Gold Coin weighing 4 Grams to him, under the Scheme called “Moovalur Ramamirtham Ammaiyar Ninaivu Marriage Assistance Scheme”, within a stipulated time.



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3. From the order passed in the writ petition, it is seen that the writ petition was disposed of only on the concession made by the learned Government Advocate, who appeared before the learned Single Judge.

4. The order passed by the learned Single Judge reads as follows:

“When the matter was taken up for hearing, the learned Government Advocate on instructions from the third respondent submitted that the Writ petitioner is eligible for financial assistance under the scheme in question and the first respondent is waiting for sanction of funds. As and when the funds are received, the petitioner would be disbursed with the financial assistance.

2. Recording the said submission, the Writ petition stands disposed of. No costs.”

5. Since the writ petition was disposed of by consent, this Court is not inclined to interfere with the order passed by the learned Single Judge.



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6. The difficulty of the appellants appears to be on the basis of change of circumstances. It is represented by the learned Special Government Pleader appearing for the appellants that a new Scheme has now come. Therefore, the appellants may not be able to comply with the directions issued by the learned Single Judge, on the basis of the eligibility of the respondent's daughter under the old Scheme. Since the appellants are required to disburse the amount pursuant to the directions issued in the writ petition filed by the respondent, it is always open to them to utilize the funds that are now provided under the Scheme, which is in vogue and also similar in nature.

7. One of the submissions of the learned Special Government Pleader appearing for the appellants is that father is not eligible to file a writ petition on behalf of his daughter seeking benefits of such Schemes.

8. This Court is of the view that the direction issued in the writ petition is only to give benefit of the Scheme. Therefore, at the time of disbursement, the appellants may also get appropriate letter / affidavit from the respondent's daughter.



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9. With the above observations, this writ appeal is closed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

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NCC : Yes / No

Index : Yes / No

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