



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.1919 of 2020

Boopathy D/o. Duraisamy

... Petitioner

Vs.

1. Government of Tamil Nadu,
represented by its Secretary,
Department of Social Welfare and
Nutricious Meal Programme Department,
Secretariat, Chennai.

2. The District Revenue Officer,
Coimbatore.

3. The Revenue Divisional Officer,
Coimbatore North, Coimbatore.

..... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the proceedings in M.M. No.2182/18/A2 dated 21.12.2018 issued by the 3rd respondent and the consequential proceedings in Na.Ka.No.6402/2019/E4 dated 20.06.2019 issued by the 2nd respondent, quash the same and direct the respondents to issue Destitute Certificate and



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W.P.No.1919 of 2



consequently extend all the attendant benefits to the petitioner.

For Petitioner : Ms. S. Nandhini Devi.

For Respondents : Mr. G. Krishna Raja,
Additional Government Pleader
[for R1 to R3]

ORDER

The order passed by the Sub-Divisional Magistrate and Sub Collector, Coimbatore North dated 21.12.2018 and the Appellate order passed by the District Revenue Officer, Coimbatore vide Proceedings dated 20.06.2019 are under challenge in the present Writ proceedings.

2. The petitioner submitted an application to grant Destitute Widow Certificate from the Revenue authorities. Since the application was rejected and the rejection order was confirmed by the Appellate Authority, the present Writ petition is came to be instituted.

3. The facts remain that the Writ petitioner married one Mr. Duraisamy on 30.11.2000. On account of misunderstanding between the couple, the divorce petition was filed and admittedly a decree of divorce was granted by the competent Court of law on 21.11.2002. Thereafter the



said Duraisamy, erstwhile husband of the Writ petitioner died on 18.04.2012. The subsequent application filed by the petitioner seeking Destitute Widow Certificate for the purpose of availing Government beneficial scheme, was rejected.

4. The learned counsel for the petitioner Ms. S. Nandhini Devi would submit that various welfare schemes are in force for the benefit of women all across the State of Tamil Nadu and therefore, the applications submitted by the petitioner seeking the certificate ought to have been considered by the respondents.

5. No doubt, if at all the petitioner is eligible to avail the Government welfare benefits, she has to submit application under the Scheme for which she is eligible to get the benefits. However, in the present case, the petitioner submitted an application seeking a Certificate of Destitute Widow and question arises whether such a Certificate can be granted to the petitioner in view of the fact that she was a divorcee and her husband died after the grant of decree of divorce in the year 2012. Thus the authorities have considered the facts that the decree of divorce by the Court was



granted on 21.11.2002 and the erstwhile husband of the Writ petitioner Mr. Duraisamy died on 18.04.2012 and therefore she is not entitled to get Destitute Widow Certificate. The findings in this regard made by the Original Authority and the Appellate Authority are in consonance with the principles and therefore there is no infirmity found.

6. However, the petitioner is at liberty to submit the application under any other eligible scheme in force if she is otherwise eligible.

7. With this liberty, this Writ petition stands dismissed. There shall be no order as to costs.

11.01.2024

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

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W.P.No.1919 of 2



S.M.SUBRAMANIAM, J.

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W.P.No.1919 of 2020

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