



WEB COPY



WA No.3117 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2024

CORAM:

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR
AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WA No.3117 of 2024

Boopathy

... Appellant

versus

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

2.District Revenue Officer,
Coimbatore.

3.Revenue Divisional Officer,
Coimbatore North,
Coimbatore.

...Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge
in WP No.1919 of 2020 dated 11.01.2024.

For the Appellant :Mr.R.Subramanian

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WA No.3117 of 2024

For the Respondents

:Mr.A.Selvendran
Special Government Pleader
for respondents 1 to 3

JUDGMENT

(Delivered by *D. KRISHNAKUMAR, J.*)

This Writ Appeal is filed against the order of the learned Single Judge in WP No.1919 of 2020 dated 11.01.2024.

2.The petitioner has filed the divorce petition before the civil court and obtained a decree of divorce on 21.11.2002. Thereafter, Duraisamy, erstwhile husband of the 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. Challenging the same, the appellant filed the writ petition. The writ court dismissed the writ petition with liberty to submit the application under any other eligible scheme in force. Challenging the same, the appellant has filed the present intra court appeal.

3. Learned Special Government Pleader appearing for the respondents

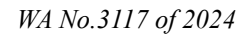


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submit that the appellant has obtained the decree of divorce from the competent civil court and thereafter, she cannot have any right to seek for destitute widow certificate from the authority concerned for availing the benefit of the deceased husband.

4. Considering the said submission, we are of the view that during the lifetime of the deceased husband, Duraisamy, the appellant/wife has approached the civil court and obtained the decree of divorce. Subsequent to death of her erstwhile husband, she made a request before the authority concerned for terminal benefits under the category of destitute widow. Once the decree of divorce has been obtained from the competent court, she cannot claim under the said category of destitute widow. Therefore, she is not entitled for the destitute widow certificate. Destitute widow certificate can be issued by the authority concerned, when the husband is missing for more than seven years. There is no such provision for granting such relief as prayed by the petitioner claiming under the destitute category.

5. There is no merit in the writ petition. The writ petition stands



(D.K.K., J.) (P.B.B., J.)
25.10.2024

To

1. Government of Tamil Nadu
Represented by its Secretary,
Department of Social Welfare and
Nutricious meal Programme Department,
Secretariat, Chennai.
2. District Revenue Officer,
Coimbatore.
3. Revenue Divisional Officer,
Coimbatore North,
Coimbatore.

D. KRISHNAKUMAR, J.
and



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P.B. BALAJI, J.

(mrn)

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