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W.P.No.31231 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31231 of 2024

M.Ramya

...Petitioner

Vs.

1. The District Collector,
O/o. The District Collector,
Vengikkal Village & Post,
Thiruvannamalai Taluk & District – 606 604.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
(Opposite Periyar Statue), Tindivanam Road,
Thiruvannamalai Town & Taluk & District – 606 601.
3. The Tahsildar,
O/o. The Tahsildar,
Thiruvannamalai Town & Taluk,
Thiruvannamalai District PIN-606 601.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned rejection order passed by the Revenue Divisional Officer, Thiruvannamalai Town & Taluk & District, the 2nd respondent herein O.Mu.No.A2/4675/2023 dated 20.09.2023 and reconsider the same on the basis of the petitioner's representation dated 29.08.2024 through registered post and in person.



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For Petitioner : Mr.Dalit Tiger C.Ponnusamy

For Respondents : Mr.U.Baranidharan, AGP

ORDER

The petitioner has filed this Writ petition seeking quashment of the order of the 2nd respondent dated 20.09.2023 in O.Mu.No.A2/4675/2023 and to consequently re-consider the petitioner's request seeking Destitute Widow certificate, on the basis of the petitioner's representation dated 29.08.2024.

2. Mr.U.Baranidharan, learned Additional Government Pleader takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that, she belongs to Scheduled Tribe community and has completed M.Sc., M.Phil Computer Science and she married one Karthik on 01.09.2013 and out of the wedlock, they were blessed with two sons. While so, the petitioner's husband died on 30.05.2021 due to respiratory failure. Subsequently, the petitioner obtained Widow Certificate



and Legal heirship certificate from the competent authorities. Thereafter, the petitioner made a representation before the 2nd respondent on 07.07.2021 seeking issuance of Destitute Widow certificate, which evoked no response. Thereby, on 15.11.2021, the petitioner sent a reminder representation to the 2nd respondent, pursuant to which, though there took place several correspondence in between the officials, no order has been passed on the petitioner's representation. Therefore, left with no other alternative, the petitioner made a representation dated 27.06.2023 before the 1st respondent, who in turn forwarded the same to the 2nd respondent, vide proceedings dated 13.07.2023. However, the 2nd respondent, without considering any of the above said facts had mechanically rejected the petitioner's representation, vide impugned order in O.Mu.No.A2/4675/2023 dated 20.09.2023. Aggrieved by the same, the petitioner once again made a detailed representation dated 29.08.2024 before 1st and 2nd respondents, however, till date, the same was not considered. Hence, this Writ petition.

4. Learned counsel for the petitioner submitted that, though the petitioner was earlier working as a Part time Teacher in VDS Jain Higher Secondary School, at present she is jobless. Further, as per G.O.Ms.No.89



dated 05.07.2006, the monthly salary of the applicant must not exceed Rs.4,000/- per month. In the present case, though the revenue officials claim that the annual income of the petitioner is Rs.60,000/-, however, no document has been produced by them to show as to how they arrived at the said conclusion and it is evident from the Income certificate dated 16.02.2024 that the monthly income of the petitioner is only Rs.2,000/- and she is very much entitled for issuance of Destitute Widow Certificate. However, the 2nd respondent had miserably failed to consider the above said facts, while passing the present impugned rejection order and the same has to be necessarily interfered with. Accordingly, he prayed for appropriate orders of this Court directing the 2nd respondent to reconsider the petitioner's request seeking issuance of Destitute widow certificate.

5. On the above said contentions, heard learned Additional Government Pleader appearing on behalf of the respondents and perused the material documents placed on record.

6. On a perusal of the materials available on record particularly the income certificate dated 16.02.2024 it appears that, the annual income of the



petitioner is Rs.24,000/- and the monthly income would come around Rs.2,000/-. However, the petitioner's application seeking issuance of Destitute Widow certificate was rejected by the 2nd respondent, on the ground that the petitioner's annual income is Rs.60,000/- and thereby, she is not entitled for Destitute Widow Certificate, as per G.O.Ms.Nos.395 & 89 both dated 04.11.1993.

7. Though the 2nd respondent claims that the annual income of the petitioner is Rs.60,000/-, in order to substantiate the same, no document has been adduced by the 2nd respondent, which is unsustainable in law. In such view of the matter, this Court is inclined to interfere with the impugned rejection order passed by the 2nd respondent.

8. Accordingly, the impugned order is set aside and the matter is remanded to the 2nd respondent for fresh consideration. The 2nd respondent is directed to consider the petitioner's representation dated 29.08.2024 on merits and in accordance with law and issue Destitute Widow certificate in favour of the petitioner within a period of two weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.



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9. With the above observations and directions, this Writ Petition stands allowed. No costs.

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NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:

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