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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.22507 of 2018

Sarojini Ammavasai, W/o.Late.Moses .. Petitioner

Versus

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul,
Dindigul District.

3.The Tahsildar,
Kalasapakkam Taluk,
Dindigul District. .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, directing the first respondent to give appropriate directions to the respondents 2 and 3 to consider and issue the Destitute Widow Certificate to the petitioner, based on the representation dated 01.11.2018, within the time frame fixed by this Court.

For Petitioner : No Appearance

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

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ORDER

There is no representation on behalf of the petitioner.

2. This Writ Petition has been filed seeking for issuance of Writ of Mandamus, directing the first respondent to give appropriate directions to the respondents 2 and 3 to consider and issue the Destitute Widow Certificate to the petitioner, based on the representation dated 01.11.2018, within the time frame fixed by this Court.

3. The learned Special Government Pleader for the respondents, on instructions, would submit that, on enquiry, it was found that the petitioner was not living in the address mentioned in the application for issuance of Destitute Widow Certificate. It is submitted that in the absence of educational particulars and economic status of the petitioner, the question of granting Destitute Widow Certificate based on the representation dated 01.11.2018, cannot be considered. A reference is made to the following Paragraph of the Communication received by the learned Special Government Pleader from the Tahsildar, Dindigul East Taluk, Dindigul.

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திண்டுக்கல் கிழக்கு வட்டம், அடியனூர்த்து கிராமம், உட்கடை வேடப்பட்டி, ஆசிரியர் காலனி, கதவு எண்: 60/67 என்ற முகவரியில் வசித்து வந்த (லேட்) மோசஸ் மனைவி சரோஜினி அமாவாசை என்பவர் ஆதரவற்ற விதவைச்சான்று வேண்டி சென்னை உயர்நீதிமன்றம் மதுரை கிளையில் வழக்கு தொடர்ந்துள்ளார். மேற்படி வழக்கு தொடர்பாக கள விசாரணை செய்யப்பட்டது. மனுதாரர் கணவர் மோசஸ் என்பவர் கடந்த 22.08.2017 ஆம் தேதியன்று மாரடைப்பினால் சென்னையில் காலமாகி விட்டார். மனுதாரர் கடந்த 01.11.2018-ஆம் தேதியன்று திண்டுக்கல் வருவாய் கோட்டாட்சியர் அவர்களிடம் ஆதரவற்ற விதவைச்சான்று வேண்டி பதிவு தபால் மூலம் மனு செய்துள்ளார். மனுதாரர் குடியிருப்பு சம்பந்தமாக மனுதாரர் குடும்ப சூழ்நிலை தொடர்பாக கள விசாரணை செய்யப்பட்டதில் மனுதாரர் தற்சமயம் மேற்கண்ட முகவரியில் குடியிருப்பு இல்லை என்பது தெரியவருகிறது. எனவே மனுதாரரின் பொருளாதார நிலை மற்றும் குடியிருப்பு நிலை பற்றி அறிய இயலவில்லை என்பதை பணிவுடன் தெரிவித்துக்கொள்கிறேன்.

4. Having considered the affidavit filed in support of the Writ Petition and the documents filed by the petitioner in support of the Writ Petition and considering the above submissions, I am of the view that the Writ Petition cannot be dismissed straightaway based on the submissions made by the learned Special Government Pleader for the respondents. Suffice to state that the respondents shall send suitable notice to the address given in the application / representation dated 01.11.2018, to the petitioner, as it appears that the petitioner's husband died tragically on 22.08.2017 and she has two minor children to support. Considering the fact that the petitioner has obtained a Widow Certificate from the second respondent's counterpart in Kalasapakkam Taluk, Tiruvannamalai District, as early as 30.01.2018, the respondents are directed to ascertain from their counterpart, who issued Widow Certificate, dated 30.01.2018, and issue a Destitute Widow Certificate after issuing

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notice to the petitioner at the address given for issuance of Widow Certificate, dated 30.01.2018. The respondents may also refer to the Birth Certificate of the two children of the petitioner and her husband deceased Moses, which give the permanent address as No.183, Murugan Koil Street, Vellore. In case, any enquiry has to be made by the counterparts in Vellore District, the papers may be transmitted to the concerned jurisdictional Tahsildar in Vellore District.

5. This Writ Petition is disposed of with the above observations. No costs.

NCC : Yes/No
Index : Yes/No
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01.04.2024

To

1.The District Collector,
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Dindigul.

2.The Revenue Divisional Officer,
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3.The Tahsildar,
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Dindigul District.

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C.SARAVANAN, J.

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Order made in
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